Government of Canada | Gouvernement du Canada

Canada

Follow-Up Report to the House of Commons Standing Committee on Environment and Sustainable Development on the *Canadian Environmental Protection Act, 1999*

Submitted by the Minister of Environment and Climate Change and the Minister of Health to the House of Commons Standing Committee on Environment and Sustainable Development on June 29, 2018

Cat. No.: En4-334/2018E-PDF
ISBN: 978-0-660-27060-9

Unless otherwise specified, you may not reproduce materials in this publication, in whole or in part, for the purposes of commercial redistribution without prior written permission from Environment and Climate Change Canada's copyright administrator. To obtain permission to reproduce Government of Canada materials for commercial purposes, apply for Crown Copyright Clearance by contacting:

Environment and Climate Change Canada
Public Inquiries Centre
12th Floor, Fontaine Building
200 Sacré-Coeur Boulevard
Gatineau QC K1A 0H3
Telephone: 819-938-3860
Toll Free: 1-800-668-6767 (in Canada only)
Email: ec.enviroinfo.ec@canada.ca

Photos: © Environment and Climate Change Canada

© Her Majesty the Queen in Right of Canada, represented by the Minister of Environment and Climate Change, 2018

Aussi disponible en français

Contents

1 Introduction 3

2 Engagement on Changes to CEPA 4

3 Controlling Toxic Substances and Living Organisms 5

3.1 The Chemicals Management Plan 5

3.2 Chemicals Management After 2020 7

3.3 Information Gathering 8

3.3.1 Information Gathering Provisions 8

3.3.2 Information and Knowledge Sharing with Other Jurisdictions 8

3.4 Risk Assessment 10

3.4.1 Persistence and Bioaccumulation 10

3.4.2 Endocrine Disrupting Chemicals and Low-Dose Effects 11

3.4.3 Vulnerable Populations, Cumulative Effects and Monitoring 13

3.4.4 Identifying New Priorities for Assessment 17

3.5 Risk Management 18

3.5.1 Response to Addition to Schedule 1 19

3.5.2 Virtual Elimination of PBTs and Reverse Burden for SVHCs 20

3.5.3 Life-Cycle Management 21

3.5.4 Informed Substitution 22

3.6 Other Recommendations 23

3.6.1 Electromagnetic Radiation 23

3.6.2 Best Placed Act 23

3.6.3 Environmental Performance Agreements 24

3.6.4 The Process for Addition to Schedule 1 24

3.6.5 Maintaining the Domestic Substances List 25

3.6.6 Animate Products of Biotechnology 25

4 Addressing Air Pollution and Greenhouse Gases 27

4.1 Vehicle and Engine Emissions 27

4.1.1 Temporary Importations 29

4.1.2 Improved Notice of Defect Regime 29

4.2 Fuels 30

4.3 Air Quality Management 30

4.4 Other Air Quality-Related Recommendations....31
4.4.1 Products that may Release a Substance....31
4.4.2 Hot Spots....32
4.4.3 Auctioning of Tradeable Units....32
5 Environmental Rights....32
5.1 A Substantive Right to Environmental Quality....33
5.2 Procedural Environmental Rights....33
5.3 National Pollutant Release Inventory Reporting....37
5.4 Environmental Justice....39
6 Government Operations and Federal and Aboriginal Land....40
6.1 Engagement....41
7 Delivering Important Environment and Health Protection Programs....42
7.1 Hazardous Waste....42
7.2 Enforcement....42
7.2.1 *Environmental Violations Administrative Monetary Penalties Act*....43
7.2.2 Access to Enforcement Information and Public Participation....43
7.2.3 Enforcing CEPA....44
7.3 Pollution Prevention....44
8 Modernization and Streamlining....46
8.1 Intergovernmental Cooperation....46
8.1.1 Administrative Agreements....46
8.1.2 Equivalency Agreements....47
8.1.3 Cooperation with Indigenous Governments....48
8.2 Administration....49
8.3 Miscellaneous....49
9 Conclusion....50
ANNEX: Recommendations of the House of Commons Standing Committee on Environment and Sustainable Development and Location in this Report....51

1 Introduction

The *Canadian Environmental Protection Act, 1999* (CEPA) is an important federal law for protecting the environment and health of Canadians. The primary purpose of the Act is to contribute to sustainable development through pollution prevention. CEPA provides the legislative basis for a range of federal environmental and health protection programs. These include activities related to the assessment and management of risks from chemicals, polymers and living organisms, as well as programs related to air and water pollution, hazardous waste, air pollutant and greenhouse gas emissions from industrial, commercial and transportation sources, ocean disposal and environmental emergencies. Through these programs, considerable progress has been made toward preventing pollution and protecting human health and the environment.

On March 22, 2016, the House of Commons designated the Standing Committee on Environment and Sustainable Development (Committee) to undertake a comprehensive review of the provisions and operation of CEPA. Over the course of its review, the Committee heard from over 50 witnesses and received over 60 separate briefs. In addition, the Minister of Environment and Climate Change (Minister of ECC) provided a discussion paper (Discussion Paper) to the Committee for consideration, outlining the issues with CEPA that she suggested should be addressed to strengthen existing programs and help respond to emerging issues (https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/publications/issues-approaches-discussion-paper.html).

The Committee's 149-page report, *Healthy Environment, Healthy Canadians, Healthy Economy: Strengthening the Canadian Environmental Protection Act, 1999* (http://www.ourcommons.ca/DocumentViewer/en/42-1/ENVI/report-8), addresses many elements of CEPA and provides important guidance on how to improve the Act and its implementation. The Committee's 87 recommendations range from strengthening authorities for controlling pollution, to incorporating the right to a healthy environment into the Act, to improving the enforcement of CEPA, to addressing the environmental protection regulatory gap that exists on most First Nations reserves.

The Government of Canada (Government) commends the members of the Committee, and the witnesses who appeared before it, for their insight and their commitment to enhance the protection of the environment and human health for present and future generations of Canadians. The Committee's report and its recommendations reflect a deep appreciation for the importance of CEPA and a strong commitment to improve the Act in order to support a healthy environment, healthy Canadians and a healthy economy. The Government appreciates the positive approach and the constructive thoughts and ideas put forth by the Committee.

The Government tabled its Response to the Committee's report in October 2017 (http://www.ourcommons.ca/DocumentViewer/en/42-1/ENVI/report-8/response-8512-421-249). The Response committed the Government to review each recommendation and to follow up by June 2018 with a report on actions taken and to be taken in response to the Committee's proposals, and to examine potential amendments to the Act. The Government has completed its review of the

Committee's recommendations and is pleased to provide this follow-up report on the progress it has made in implementing the directions set out in the Committee's recommendations.

The Government agrees with many of the Committee's recommendations and has already addressed some of these recommendations through improved policy and program actions. This report also describes the many areas where the Government is committed to taking further action in the near-term. In addition, the Government will work towards legislative amendments as soon as possible in future Parliamentary sessions. Finally, there are a limited number of recommendations that the Government does not support. This report provides a rationale for each of these decisions.

This report is organized into thematic chapters that reflect the main programs enabled under CEPA. Hence, the report does not follow the order of the Committee's recommendations. A table is provided in the Annex that lists each of the Committee's recommendations and the section in this report where it is discussed.

2 Engagement on Changes to CEPA

In order to support its commitment to advance reforms to CEPA in future Parliamentary sessions, the Government will convene a multi-stakeholder process to seek further input on reforms, and will use the Committee's recommendations to inform its work to update this important statute.

Some of the Committee's law reform recommendations would represent a significant shift in how Environment and Climate Change Canada (ECCC), Health Canada (HC) and other federal departments conduct their programs and activities, and still require considerable examination by a wide range of interested parties.

The Government has already started a broad stakeholder engagement process to address many of the issues that the Committee raised concerning future directions and approaches to chemicals management under CEPA. After the Committee published its report last year, ECCC and HC began discussions with a wide range of chemicals stakeholders about what the focus of the Chemicals Management Plan (CMP) under CEPA should be after 2020 (CMP Post-2020 Process).

In May and November 2017, the Government used the CMP Multi-Stakeholder Workshops as an opportunity to reflect on what has worked well and what could be improved upon, and to discuss emerging trends and issues that should be addressed in the future. Earlier this year, the Government held several reform-focused sessions with partners and stakeholders to discuss proposals to amend CEPA, largely in line with the emerging issues being discussed within the CMP Post-2020 Process. The 2018 meetings of the CMP Science Committee and the CMP Stakeholder Advisory Council were also focused on some of the important issues raised in the Committee's report, with a particular emphasis on endocrine disruption. The CMP program also held its biannual Multi-Stakeholder Workshop in May 2018, where CMP Post-2020 was again the major focus of discussions.

The Government will continue to work with stakeholders through the CMP Post-2020 Process to consider the important chemicals management issues highlighted by the Committee, including endocrine disrupting chemicals, vulnerable populations, cumulative risk assessments, risk management, labelling, priority-setting, alternatives assessments and informed substitution, and substances of very high concern. Chapter 3 of this report provides more detail on the CMP Post-2020 Process.

The Committee's recommendations related to codifying a right to a clean environment raise some fundamental issues regarding the role of laws in expressing social values, and the degree to which general statements of values can, or should guide and constrain ongoing legislative, regulatory and policy decisions. The Committee characterized environmental rights as having three dimensions: i) a substantive right to environmental quality; ii) the obligation of non-discrimination in environmental protection (environmental justice); and iii) procedural rights. Chapter 5 of this Report looks at each of these dimensions and indicates those areas which will be the focus of continued engagement. The Committee's report provides a helpful starting point for continued discussions on these topics, which will contribute to the Government's commitment to update CEPA in future Parliamentary sessions.

With respect to the environmental protection regulatory gap on First Nations reserves, engagement with Indigenous Peoples is essential. The Government commits to returning to the Committee after appropriate engagement with a plan on addressing this gap, including possible improvements to authorities in CEPA that may be used to enhance environmental protection on First Nations reserve lands. Chapter 6 of this Report provides more information on the Government's commitment to engage on the regulatory gap.

Industry and civil society have a strong record of close collaboration in providing advice both on the ongoing implementation of programs under CEPA and in considering possible legislative reforms. This collaboration reflects the valuable role CEPA plays in promoting a clean and healthy Canada. The Government encourages stakeholders and partners to continue this collaboration and is committed to supporting that process as it works to improve the implementation of the Act and towards updating the Act in future Parliamentary sessions.

3 Controlling Toxic Substances and Living Organisms

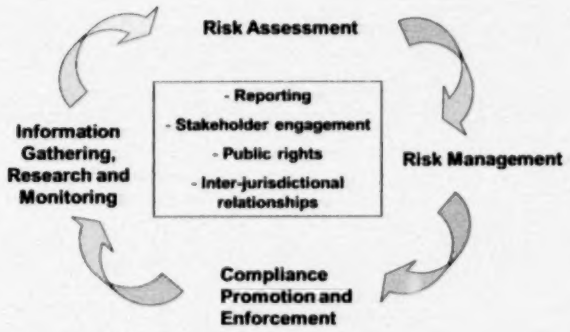
3.1 The Chemicals Management Plan

CEPA provides the primary legislative basis for the CMP. The Minister of Health and the Minister of ECC jointly administer the CMP, which includes the assessment and management of health and environmental risks from a broad range of "substances", which includes chemicals, polymers, greenhouse gases, industrial effluents, and living organisms. Many organizations in Canada and internationally agree that Canada's chemical management regime is one of the most effective in the world. The Committee's report included statements from many witnesses praising the CMP.

The management cycle illustrated in Figure 1 depicts the basic steps in the CMP: information is collected to understand risks and inform decisions; risks are assessed to determine if action is required; and risk

management measures are put in place to prevent the risks. The Government supports the effective implementation of these measures with compliance promotion and enforcement actions. Finally, information is once again collected to monitor progress, report to Canadians, and determine whether additional action is required.

Figure 1: The CMP management cycle



Engaging stakeholders and the public is central to the CMP. At each stage in the cycle, stakeholders are engaged, the public has the opportunity to be involved, the government works closely with provincial, territorial and Indigenous counterparts, and information is reported to the public. The Government publishes rolling work plans for information gathering (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=F04EE298-1), risk assessment (https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/cmp-third-phase-update.html#toc2), as well as risk management activities and consultations (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=8727ECCE-1). Further program implementation information is also available online (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/implementation-table-at-a-glance-2016-2021.html).

External bodies also support the implementation of the CMP. The CMP Science Committee (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/science-committee.html) helps to ensure that the CMP has a strong science foundation. The Science Committee meets biannually, and may hold additional meetings on an as-needed basis. The CMP Stakeholder Advisory Council (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/stakeholder-advisory-council.html) fosters dialogue among different stakeholder groups and offers them the opportunity to provide advice and input to Government on policy and program implementation of tools and requirements. The Stakeholder Advisory Council also meets biannually, with the possibility of additional technical meetings or discussions. In addition, the CMP program also holds biannual Multi-Stakeholder Workshops with a focus on engagement with a broader group of stakeholders on current and future CMP topics.

More information on the CMP can be found on the CMP webpage (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan.html).

3.2 Chemicals Management After 2020

More than 23,000 chemical substances were in commercial use in Canada between January 1, 1984 and December 31, 1986, when the original CEPA (CEPA 1988) was being created. These "existing" substances were placed on the Domestic Substances List (DSL). Any substance that is not on the DSL is a "new" substance and must go through a rigorous notification process before it can be used. This process allows the Government to ensure that new substances do not enter the market without appropriate controls in place to address any health or environmental risks. Most developed countries have similar pre-market notification and assessment processes for new substances.

When CEPA 1988 was replaced in 1999, Canada, like most other countries, was trying to determine the best way to deal with the many thousands of legacy substances that were already in widespread use when the new substances regime was adopted. The solution, codified in the current version of CEPA, was to create a requirement for ECCC and HC to "categorize" all 23,000 substances that were on the DSL, and to conduct further assessments of those substances that met certain prescribed criteria. These criteria identified substances that are inherently toxic and persistent or inherently toxic and bioaccumulative as well as those substances with "the greatest potential for exposure" to Canadians. This categorization requirement was relatively unique. Most other countries focused their efforts on substances used in very high volumes.

In 2006, the Government completed the triage of the 23,000 existing substances on the DSL, and identified 4,300 substances requiring further attention. The goal of the CMP is to address all 4,300 substances by 2020. For more information on the categorization process please visit https://www.canada.ca/en/health-canada/services/chemical-substances/canada-approach-chemicals/categorization-chemical-substances.html.

As of May 1, 2018, the CMP has addressed 3,160 of the substances identified during the categorization process. The current phase of the CMP, launched in May 2016, will address the remaining substances by March 31, 2021. With the conclusion of the current CMP nearing, the Government is taking action to set new directions and objectives for chemicals management post-2020.

Canada is not alone in considering the future direction of chemicals management. Other countries are working under the Strategic Approach to International Chemicals Management (SAICM)—a policy framework to promote chemical safety around the world—to consider the next evolution of responsible chemical and waste management.

To help the Government set new direction and objectives for chemicals management, it has initiated a broad-based engagement with partners and stakeholders that will continue through 2018 and 2019 to determine the future direction of chemicals management in Canada beyond 2020. Many of the chemicals management issues raised by the Committee will help inform this engagement, which will examine such issues as endocrine disrupting chemicals, vulnerable populations, cumulative risk assessments, risk management, labelling, priority-setting, alternatives assessments and informed substitution, and substances of very high concern. The outcome of this process will help shape program activities and, where needed, reforms to the Act itself.

3.3 Information Gathering

3.3.1 Information Gathering Provisions

A range of information is considered in risk assessments and in determining the most appropriate way to manage any risks identified, including: chemical properties, quantities manufactured in or imported into Canada, releases to and concentrations in the environment, environmental fate and behaviour, hazards, and nature of exposure. Information is collected and considered through a number of existing authorities under the Act. These include tools and powers under sections 46, 68, 70, 71 and 75, as well as authorities and requirements for information regarding new substances and activities, such as the Significant New Activity (SNAc) provisions in sections 85, 87, 110 and 112.

More information on the Government's information gathering activities under the CMP is available online (https://www.canada.ca/en/health-canada/services/chemical-substances/canada-approach-chemicals/information-gathering.html).

The Committee made several recommendations regarding information gathering under CEPA. The Government agrees with the Committee's recommendation to amend CEPA to provide express authority to request "[...] information, such as methodology data, models used etc.;" "samples of the toxicological tests and/or the other tests;" and "any other information relevant to the assessment of a substance" under section 71 of CEPA (**Recommendation 12**) (see Discussion Paper 9.2). This recommendation will inform the Government's work to reform CEPA.

Section 71 provides the Minister of ECC with information gathering authorities for the purposes of "[...] assessing whether a substance is toxic or is capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control, a substance [...]". Section 46 provides the Minister of ECC with information gathering authorities for other activities such as "[...] research, creating an inventory of data, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment [...]".

The Government agrees with the Committee's recommendation that CEPA be amended to "[...] allow sections 46 and 71 notices to require that information be updated if it changes and to ensure that there are clear, consistent timeframes (e.g., 7 years) for the maintenance and retention of records related to regulations, instruments and information gathering, but also allow these timeframes to be tailored if needed, in specific circumstances" (**Recommendation 13**) (see Discussion Paper 9.3) and this recommendation will inform its work to reform CEPA.

3.3.2 Information and Knowledge Sharing with Other Jurisdictions

The Committee recommended that the "[...] Ministers seek out relevant and reliable data from other jurisdictions, including data from [the Registration, Evaluation, Authorisation and Restriction of Chemicals] REACH, so that Canadian assessors may benefit from other efforts deployed to conduct those assessments" (**Recommendation 14**). The Government agrees that multiple sources of data are important in the risk assessment process and commits to continuing to seek out and consider

information from other jurisdictions, including the European Union, when prioritizing, assessing and managing the risks posed by chemicals and living organisms.

The Government conducts systematic surveys of information from other jurisdictions both when setting priorities for risk assessments and when conducting individual assessments. It relies on multiple information sharing arrangements, including formal data sharing agreements, consideration of data from other jurisdictions, scans of international activities and datasets, discussions with multinational companies, international supply chains, and international stakeholders. The departments also use hazard characterizations undertaken by other jurisdictions, as is described in the Risk Assessment Tool Box (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/chemicals-management-plan-risk-assessment-toolbox.html). Approximately 700 human health effects evaluations from other organizations have provided useful inputs in substance assessments under the CMP. In situations where specific data appears to be critical in an assessment and the information is not available through other means, ECCC and HC can issue section 71 notices under CEPA to require industry to generate the necessary data.

The Government has entered into a Memorandum of Understanding with the European Chemicals Agency (ECHA), which administers REACH. ECHA makes a summary of studies publicly available. The Memorandum was signed in 2010 in order to share knowledge and exchange experience and best practices on matters of mutual interest related to chemicals management. This arrangement includes provisions for: scientific collaboration and information exchange on the risk assessment of chemicals; exchange of operational experience and strengthening regulatory capacities; active dissemination of public information and publications related to each other's activities; and, information exchange on matters of common interest, including emerging priorities.

Under REACH, manufacturers and importers are required to submit information jointly for the same substances. Consortia are an efficient means for industry or business entities to collectively or jointly submit information under REACH. Under the Memorandum of Understanding, ECCC and HC rely on data sharing agreements to access confidential data that companies and consortia have provided to ECHA pursuant to REACH.

Canada also participates in discussions related to data sharing and risk assessment approaches with the United States through the Regulatory Cooperation Council (RCC) (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/canada-united-states-regulatory-cooperation-council.html). Examples of existing partnerships include a comparative analysis of the regulatory frameworks for the Significant New Activity provisions of CEPA in Canada and significant new use rule (SNUR) provisions in the United States, as well as regulatory frameworks and approaches for risk assessment. Also, the Assessment Collaboration Framework establishes a rolling work plan which includes enhanced information sharing across the two jurisdictions.

HC has data sharing agreements in place with the European Food Safety Authority (EFSA), the United States Food and Drug Administration (USFDA), and Food Standards Australia New Zealand (FSANZ) on food-related issues that can be used to help inform CMP assessments. HC is an active participant in

international assessments conducted by Codex Alimentarius (http://www.fao.org/fao-who-codexalimentarius/en/) and the Joint Food and Agricultural Organization/World Health Organization Expert Committee on Food Additives (JECFA).

3.4 Risk Assessment

In conducting risk assessments, ECCC and HC apply a weight of evidence approach and the precautionary principle, as required by CEPA (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/application-weight-of-evidence-precaution-risk-assessments.html). In practice, this means that assessments consider information across multiple lines of evidence and uncertainties are captured and communicated.

Data on the amount of a substance that may enter the environment, as well as its chemical properties, provides information about how the substance may be distributed in the environment, how long it will remain in the environment and whether it is present at levels that may be harmful to Canadians or the environment. In addition, information on levels of substances in products available to Canadians and on how these products are used also informs the assessments. Different approaches for characterizing exposure may be used depending on the information available regarding sources, pathways and routes of exposure as well as uses, handling and disposal of the substance.

The potential effects of the substance on humans and the environment are evaluated through hazard characterization. Some Canadians, who, due to either greater susceptibility (such as pregnant women and children) or greater exposure (such as those Canadians living in the vicinity of an industrial facility) may be at greater risk than the general population, are specifically taken into consideration, to the extent that information is available. Information on endocrine-related effects is also considered, when available and relevant (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/consideration-endocrine-related-effects-risk-assessment.html). Data generated through laboratory or field testing, modelling approaches and data from other substances that are structurally and/or functionally similar to the substance being assessed are all used, as appropriate. If the outcome of the risk assessment indicates that the substance may be harmful to human health or the environment, key sources of exposure of concern are identified along with uncertainties.

ECCC and HC use research, surveillance and monitoring to gain information about the presence or potential impact of substances on human health and the environment. This information informs both risk assessment and risk management decisions. As scientific knowledge evolves, assessment practices adapt and adjust to new information and techniques.

The list of substances on Schedule 1 is available online: https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/substances-list/toxic/schedule-1.html.

3.4.1 Persistence and Bioaccumulation

Persistence and bioaccumulation criteria provided a basis for the categorization process and provide the

basis for the virtual elimination regime under the Act.

As part of the categorization process, substances that were persistent or bioaccumulative in accordance with the *Persistence and Bioaccumulation Regulations*, and inherently toxic to human beings or to non-human organisms were identified as priorities for further assessment. Information on how substances on the DSL were categorized with respect to persistence and bioaccumulation can be found online (http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5F213FA8-1&wsdoc=6FCF94B3-CD63-CE3A-4A08-7764E4B847C6), as well as the overall results of DSL categorization (http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5F213FA8-1&wsdoc=76D45C61-40EC-2CC6-6FE9-AD1576E210C0).

The Act further requires the "virtual elimination" of releases to the environment of toxic substances that are bioaccumulative, persistent and result primarily from human activity.

The Committee made two recommendations to address persistence and bioaccumulation as these relate to risk assessment. First, the Committee recommended that the government "[...] update the outdated *Persistence and Bioaccumulation Regulations* to be consistent with the best available science and standards, including those of other [Organisation for Economic Co-operation and Development] OECD jurisdictions" (**Recommendation 48**) and that CEPA be amended to "[...] confirm, for greater clarity that a substance need not be persistent or bio-accumulative to be determined to be toxic under CEPA" (**Recommendation 49**).

The Government agrees with **Recommendation 48** and is reviewing the *Persistence and Bioaccumulation Regulations*.

The Government agrees that a substance need not be persistent or bioaccumulative in order to be assessed as toxic and added to Schedule 1. Indeed, many toxic substances that are already on Schedule 1 are not persistent and bioaccumulative. For example, plastic microbeads (≤ 5 mm in size), bisphenol A, nonylphenol and its ethoxylates, and several greenhouse gases are on Schedule 1 (**Recommendation 49**).

3.4.2 Endocrine Disrupting Chemicals and Low-Dose Effects

The Committee made several recommendations concerning endocrine disrupting chemicals (EDCs) during its review. In particular, the Committee was of the view that risk assessments under CEPA should consider endocrine disruption. The Committee recommended that the Government "[...] revise the definition of "toxic" to ensure that it addresses endocrine disruptors" (**Recommendation 39**). The Government supports the intent of this recommendation and is committed to considering endocrine disruption when it assesses risks from substances.

The Committee also recommended "[...] that sections 64 and 68 of CEPA be amended to expressly address substances that are dangerous at low-level quantity thresholds" (**Recommendation 40**). The Government supports the intent of this recommendation and is committed to considering low-dose impacts in risk assessments. The Government also commits to continuously improve its ability to assess other low-dose effects. The current definition of "toxic" in section 64 of the Act is sufficiently broad to

enable the departments to consider these risks and impacts. In the assessment of bisphenol A (BPA), for example, data on the impact of low doses on neurodevelopmental and behavioural effects helped support the risk characterization for human health.

In addition to managing a substance by adding it to Schedule 1, CEPA provides various authorities for preventing risks from new substances that the Ministers suspect are toxic or capable of becoming toxic. The Minister of ECC has exercised these authorities by placing controls on a number of new substances suspected of endocrine disrupting effects. For example, Ministerial Conditions have been placed on a mixture of phthalates used as a softener for plastics to prohibit its use in toys and child care articles, and on the use of a formaldehyde remover used in fabric softeners. A Significant New Activity (SNAc) notice has been placed on any new use of curing agents for silicone sealants for commercial building and road construction due to concerns about endocrine disruption. SNAc notices are used to allow the activity for which a new substance has been notified but to prevent any additional uses which would, for example, increase exposure. In each of these cases, the risk management action was taken to address concerns about possible endocrine disruption impacts.

The Government is working to better explain how it considers endocrine disrupting effects in risk assessments under CEPA. ECCC and HC are updating assessment reports and associated information sheets to explicitly highlight when endocrine effects have been taken into consideration and how this information informed the assessment. In the spirit of the Committee's recommendation, ECCC and HC recently published a CMP Risk Assessment Fact Sheet in June 2017 to explain how EDC-related effects are considered in risk assessments and to elaborate on EDC-related research that is underway (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/consideration-endocrine-related-effects-risk-assessment.html). Published assessments that considered endocrine disrupting properties include bisphenol A, phthalates, and nonylphenol and its ethoxylates.

The Committee also recommended that ECCC and HC "[...] implement measures, thresholds, techniques and reporting requirements specifically addressing endocrine disruptors" (**Recommendation 44**). The Government agrees with the importance of addressing endocrine disrupting substances, and is committed to continuously improving its ability to do so and to keep pace with the latest scientific developments. Especially important is increased susceptibility during early life stages. In fact, subsection 44(4) of CEPA requires the Ministers to conduct research on hormone disrupting substances.

The Government is considering new approach methodologies, including in vitro alternative methods to detect endocrine activity at low doses. This type of method will also be useful for characterizing endocrine activity for mixtures of substances at low doses. These emerging approaches will improve priority-setting and risk assessments, and will enable a greater focus on substances with an endocrine mode of action at low doses. The Government will continue to use and develop available test methods for addressing endocrine disruptors.

Canadian researchers and regulators are actively involved with the international community to advance and adapt novel approaches in the testing and consideration of endocrine-related effects in risk assessment. For example, ECCC and HC maintain active scientific research programs that contribute to

the development of internationally-recognized test methods for endocrine disruption. This work contributed to an OECD publication in March 2018 (http://www.oecd.org/chemicalsafety/testing/OECD%20Work%20on%20Endocrine%20Disrupting%20Chemicals.pdf), and routinely informs risk assessments carried out under CEPA. The Government commits to adopting OECD test methods and thresholds in Canada, where possible and as they are developed, for future risk assessments under the CMP.

Moving forward, the Government will continue to improve its ability to consider endocrine disrupting effects in its risk assessments. The Government will continue to keep pace with the latest scientific developments related to endocrine disruption when developing appropriate actions to prevent risks to Canadians and their environment. Opportunities to improve the assessment of the endocrine disruption properties of chemicals are being discussed by both the CMP Stakeholder Advisory Council and the CMP Science Committee in 2018. The deliberations at the Science Committee will focus on key science considerations as the Government moves forward with evolving its approach to endocrine disruption as the science itself develops. Summary reports from these discussions will be posted online and the outcome of these discussions will inform ongoing improvements to risk assessments under CEPA. The Government commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.

3.4.3 Vulnerable Populations, Cumulative Effects and Monitoring

The Committee's report placed a large focus on strengthening protections for vulnerable populations and ensuring that the cumulative impacts of certain chemicals are considered. The Committee recommended that "[...] the preamble of CEPA be amended [...] to mention the importance of considering vulnerable populations in risk assessments [...]" **(Recommendation 3, sub-bullet 2)**. The Government agrees with the Committee (see Discussion Paper 2.1) and this recommendation will inform its work to reform CEPA. The Committee also recommended amending section 3 of CEPA "[...] to include a broad definition of the term "vulnerable populations"" **(Recommendation 42),** that CEPA be amended "[...] to require that the Ministers or their delegates, when determining if a substance is toxic, assess exposures of vulnerable populations and marginalized communities, including exposures during critical windows of vulnerability, with appropriate use of safety factors and that this section clarify that, for some substances, there may be no safe exposure thresholds" **(Recommendation 43),** and that CEPA be amended to "[...] require investigation of the effects of any proposed or final regulation or instrument on vulnerable populations and marginalized communities [...and...] aggregate exposures, and cumulative and synergistic effects, in determining how to regulate a toxic substance" **(Recommendation 56)**. The Government supports the intent of these recommendations and will consider them as part of its work to reform CEPA.

The Committee also recommended that ECCC "[...] undertake, in consultation with the provinces, territories, Indigenous communities and the public, an assessment of potential hot spots or areas of potential intensified or cumulative emissions of toxins to ensure protection for vulnerable persons" **(Recommendation 45).** The CMP Stakeholder Advisory Council held a panel discussion on vulnerable populations in 2018 and provided advice on how the departments should strengthen consideration of

vulnerable populations in chemicals management. The Government commits to further consider the Committee's recommendations as part of its stakeholder engagement on these issues through the CMP Post-2020 Process, which will inform how CEPA is reformed (**Recommendations 3 sub-bullet 2, 42, 43, 45 and 56**).

In the interim, the Government will continue to consider available information on vulnerable populations when conducting risk assessments. Further, the Government is committed to continuously improving the consideration of vulnerable populations in the assessment and management of chemicals. As part of this broad commitment, the Government also commits to develop, engage on, and publish under CEPA a policy on vulnerable populations, which will include a definition of vulnerable populations and the objectives of the program, including the framework for how the Government considers vulnerable populations as part of risk assessments.

Some Canadians, due to greater susceptibility (such as pregnant women and children) or greater exposure (such as those Canadians living in the vicinity of an industrial facility), may be at greater risk than the general population. The CMP routinely considers these risks both in conducting risk assessments and in designing risk management measures. This includes specific consideration of the developing fetus, infants, children, pregnant women, individuals living in the vicinity of industrial or commercial facilities, and First Nations and Inuit populations (**Recommendation 43**). Where assessments identify risks in specific populations, targeted risk management approaches are developed to reduce the risks for that group (**Recommendation 56**).

For example, the risk assessment of bisphenol A (BPA) identified potential for exposure for infants (https://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=3C756383-1). The outcome of the assessment resulted in a Code of Practice to reduce levels of BPA in infant formula can linings. Since that time, Health Canada has conducted a number of additional surveys to measure the concentrations of BPA in canned drink products (https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol/survey-bisphenol-canned-drink-products.html), bottled water products (https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol/survey-bottled-water-products.html), canned food products (https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol/survey-bisphenol-canned-food-products-canadian-markets-summary.html), soft drink and beer products (https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol/survey-bisphenol-soft-drink-beer-products-canadian-markets-summary.html), and total diet samples (https://www.canada.ca/en/health-canada/services/food-nutrition/food-safety/packaging-materials/bisphenol/updated-assessment-bisphenol-exposure-food-sources.html).

In the case of selenium, the risk assessment identified the potential for elevated selenium exposure to three populations: Inuit populations; subsistence fishers; and Canadians taking certain multi-vitamin/mineral supplements (https://www.canada.ca/en/health-canada/services/chemical-substances/substance-groupings-initiative/selenium.html).

The Government recently published CMP Risk Assessment Fact Sheets explaining how precaution is applied (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/application-weight-of-evidence-precaution-risk-assessments.html) and how human biomonitoring data are used in risk assessments (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/human-biomonitoring-data-risk-assessment.html). When information is limited, risk assessors under CEPA apply conservative assumptions to ensure protection of human health, including the health of vulnerable populations. In accordance with precautionary assessment protocols, assessors may apply additional safety factors or make "worst case" assumptions regarding exposure.

HC is the lead on the CMP's public outreach program, which is used to educate Canadians on how to protect themselves from harmful chemicals. This includes environmental health guides, partnerships and other activities geared towards reaching parents and caregivers of young children and seniors. Strengthening this program to enable it to reach a broader range of vulnerable populations will be a focus of a new strategy for the public outreach program that is currently under development.

The Committee emphasized the importance of biomonitoring and environmental monitoring as an important source of information, particularly with respect to vulnerable populations and geographic "hot spots." The Government agrees with the Committee that biomonitoring data are an important source of information on levels of exposure to vulnerable populations, as well as on combined exposures to multiple chemicals, and we are placing a high priority on monitoring. The Government also commits to continuously improve biomonitoring in support of protecting vulnerable populations **(Recommendation 45)**.

For instance, the Government is committed to continuing to use and improve sources such as the Canadian Health Measures Survey (CHMS), the Maternal-Infant Research on Environmental Chemicals (MIREC) Research Platform and the First Nations Biomonitoring Initiative (FNBI) and Northern Contaminants Program (NCP). In the spirit of the Committee's recommendations, in December 2017 the Government signed a memorandum of understanding with the Government of Alberta formalizing responsibilities to continue a long-term environmental monitoring program in the Athabasca River basin region, and to include greater Indigenous involvement in establishing monitoring priorities. This will improve understanding of the long-term cumulative effects of oil sands development. More information concerning the Government's response to the Committee's recommendations regarding 'hot spots' can be found in the section "Response to Addition to Schedule 1" later in Chapter 3 and the section on "Hot Spots" in Chapter 4 of this Report.

With respect to exposure to multiple chemicals (cumulative risk) the Government supports the intent of the Committee's recommendation to amend CEPA "[...] by adding a new requirement that the Ministers or their delegates, when determining if a substance is toxic, assess aggregate exposure to and cumulative and synergistic effects of the substance, and that the Ministers use a process that looks at multiple exposure points of a chemical substance" **(Recommendation 46)**. The Government supports the intent of this recommendation and will consider it as part of its work to reform CEPA. The Government also commits to reviewing best practices regarding cumulative risk internationally.

The Government recognizes the benefit of better assessing the risks from real-life exposures to a range of chemicals and acknowledges the complexity of the issue. ECCC and HC sought advice on cumulative risk assessment from the CMP Science Committee in 2015 (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/science-committee/meeting-records-reports/committee-report-november-18-19-2015.html) and are also co-leading the finalization of an OECD Guidance Document on the considerations for assessment of the risks of combined exposure to multiple chemicals. This Guidance Document will inform risk assessments under CEPA moving forward.

In the interim, the Government will also continue to examine emerging data and novel approaches for consideration in cumulative risk assessment, further contributing to world-leading science and methodologies. It will also continue to carry out cumulative risk assessments for substance groupings where sufficient data and information exists, as was done for the Phthalates Grouping and for several metal moieties (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=516A504A-1). The Government recognizes the benefit of better assessing the risks from real-life exposures to a range of chemicals. However, there is a need for more robust data sets in order to determine when cumulative risk assessments would be important to health protection, such as more comprehensive monitoring from multiple sources of exposure (e.g., collect air, house dust, and tap water monitoring data in the same study).

As part of the CMP Post-2020 Process, ECCC and HC are considering issues related to cumulative risk. At the November 2017 Multi-Stakeholder Workshop, ECCC and HC presented relevant experience and considerations on cumulative approaches and participated in a facilitated discussion with stakeholders on some of the key challenges, opportunities and roles the Government could play in addressing these challenges (**Recommendations 45, 46 and 56**). The Government also commits to further consider the Committee's recommendations as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

Finally, it is important to note that biomonitoring data are an important source of information on levels of exposure to vulnerable populations, as well as on combined exposures to multiple chemicals. For example, as discussed above, the Canadian Health Measures Survey (CHMS) has been collecting nationally representative biomonitoring data in the general population since 2007 (https://www.canada.ca/en/health-canada/services/environmental-workplace-health/environmental-contaminants/human-biomonitoring-environmental-chemicals/canadian-health-measures-survey.html). The CHMS currently covers people aged 3 to 79 years old and is expanding the populations covered under the biomonitoring component to include 1-2 year olds by 2020. The Maternal-Infant Research on Environmental Chemicals (MIREC) Research Platform has been used to collect data on pregnant women and children (https://www.canada.ca/en/health-canada/services/environmental-workplace-health/environmental-contaminants/human-biomonitoring-environmental-chemicals/maternal-infant-research-environmental-chemicals-mirec-study.html). The First Nations Biomonitoring Initiative (FNBI) and Northern Contaminants Program (NCP) funded research to provide biomonitoring data for First Nations and Inuit populations in Canada. More information on how human biomonitoring data are used in risk assessments is available as part of the CMP Risk Assessment Fact Sheet series

(https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/human-biomonitoring-data-risk-assessment.html).

The Government believes that effective biomonitoring is fundamental to helping address the Committee's concerns related to vulnerable populations and combined exposures (**Recommendations 3, sub-bullet 2, 42, 43, 45, 46, and 56**). The Government recognizes that current biomonitoring surveys only measure a small proportion of the chemicals in commerce and it is currently examining new methods that can detect a much broader range of substances, as well as methods that can detect substances at lower levels and in smaller volumes of biological matrices (e.g., blood, urine). These developments will be important to priority-setting in chemicals management moving forward. In addition, the Government also recognizes that there are certain populations not adequately captured by the Government's current biomonitoring programs, such as First Nations populations living in the Yukon and the Northwest Territories, people living near contaminated sites, and new immigrants. The Government is considering developing smaller, more targeted biomonitoring studies to help address these data gaps.

ECCC and HC also use other types of data from studies that measure levels of chemicals in environmental media and food, such as Health Canada's Total Diet Study, which has been collecting data since 1969 (https://www.canada.ca/en/health-canada/services/food-nutrition/food-nutrition-surveillance/canadian-total-diet-study.html). In addition, since 2008, the Government has been supporting the First Nations Food, Nutrition and Environment study, a 10-year baseline study to determine dietary intake (both traditional and market foods), food security status, and environmental contaminant exposure of First Nations living on reserve across Canada (http://www.fnfnes.ca/). Data from these studies can also be used to inform exposure levels of vulnerable populations to certain chemicals.

ECCC conducts national monitoring on priority chemicals in air, water, sediment, fish, wildlife, and sources such as wastewater treatment plant effluents and sludge. Information from environmental monitoring has informed assessments involving aggregate exposure from multiple sources (e.g. metals). The Government is currently considering how environmental monitoring work can be used to further inform the identification of cumulative risks moving forward.

3.4.4 Identifying New Priorities for Assessment

Since 2006, priorities for risk assessment of chemicals and other substances under CEPA have largely been based on the results of the DSL categorization process and new substance notifications. The categorization exercise used criteria for persistence, bioaccumulation, inherent toxicity and greatest potential for human exposure. However, our knowledge of chemicals and priority-setting continues to evolve and ECCC and HC have expanded their consideration of hazard and exposure characteristics, using a risk-based approach to identify substances that may have the potential to cause harm to the environment or human health. Under the Identification of Risk Assessment Priorities (IRAP), ECCC and HC also identify priorities through other "feeders" such as international activities, data-gathering and research. For example, plastic microbeads, perfluorinated substances, flame retardants, and parabens

were all added to the CMP assessment work plan even though they did not meet the categorization criteria. The IRAP approach is presented in the publication "Approach for identification of chemicals and polymers as risk assessment priorities under Part 5 of the *Canadian Environmental Protection Act, 1999*" (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=A10191AD-1).

The Committee recommended amending CEPA to require an assessment or reassessment of a substance "[...] when another OECD country has placed new restrictions on it, or when the use of the substance in Canada has significantly expanded since the original assessment was completed, or when new scientific findings respecting the substance's toxicity come to the attention of the Minister" (**Recommendation 50**). The Government supports the intent of this recommendation and commits to the full implementation of section 75 of CEPA (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=F251F2AB-1), which requires the review of decisions of other jurisdictions. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

In the interim, the Government will continue to prioritize ongoing risk assessment activity in accordance with its IRAP approach, which requires the systematic compilation and review of information from a large number of information sources and enables the Government to be better positioned to recognize concerns, to track emerging issues, and to identify and prioritize substances requiring further work. This also helps to increase the transparency of the process for identifying new priorities.

In order to facilitate access to information regarding assessment and reassessment priorities, the Government commits to include the results of the IRAP process in the annual CEPA report to Parliament.

Further information on the IRAP process, including results from the 2015 and 2016 prioritization exercises, is outlined in a CMP Risk Assessment Fact Sheet published in June 2017 on the "Identification of Risk Assessment Priorities" (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/identification-risk-assessment-priorities.html).

3.5 Risk Management

Risks to the environment and human health are identified through the risk assessment process. Once it has been determined that a chemical substance poses a risk to human health or the environment, ECCC and HC risk managers determine how best to prevent that risk. To do this, risk managers must understand how the chemical substance is created, who uses it, and how it reaches the environment or people.

If a risk management instrument has been in place for some time and the Government is not satisfied that the risk has been sufficiently prevented or reduced, it can take further action.

There are various authorities and requirements under CEPA with respect to managing the risks posed by substances, including those that are found "toxic" under CEPA according to the criteria in section 64. For toxic substances that are recommended for addition to Schedule 1 of the Act under paragraph 77(6)(b), ECCC must propose a regulation or instrument respecting preventive or control actions to risk manage

the toxic substance. The Government can also use risk management instruments under other Acts such as the *Canada Consumer Product Safety Act* (CCPSA), the *Pest Control Products Act* (PCPA), and the *Food and Drugs Act* (F&DA). When making risk management decisions, consideration is given to which statute is best placed to manage the identified risks.

A summary list of the risk management instruments developed to manage substances that have been assessed under CEPA to be harmful to the environment or human health is available online (www.ec.gc.ca/ese-ees/default.asp?lang=En&n=B68C1BAF-1). Further assessment and management-related information on toxic substances listed on Schedule 1 is available on the CEPA Registry.

3.5.1 Response to Addition to Schedule 1

To identify the best suited risk management instruments (binding or non-binding), risk managers follow a systematic approach. Through the instrument choice process, risk managers identify which instrument or mix of instruments is best suited to help achieve the risk management objectives. The process takes into consideration the effectiveness and efficiency of various risk management instruments, available information on the chemical substance and its sources of risk, and guidance such as the Government of Canada's Cabinet Directive on Regulatory Management (https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulatory-management.html).

Consulting with interested and implicated stakeholders helps inform the choice and design of risk management instruments. Information on issues for which public input is sought is available in the CMP's Two Year Rolling Risk Management Activities and Consultations Schedule (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=8727ECCE-1).

ECCC and HC measure the performance of these instruments by evaluating the ongoing relevance and effectiveness of the actions taken to manage risks from toxic substances. Substance-based performance measurement considers the performance of all final risk management instruments applied to a chemical substance and relevant data or indicators of exposure to the environment or human health. Instrument-based performance measurement evaluates the effectiveness of an individual instrument in meeting the specific risk management objectives for the instrument. The results of performance measurement help determine if additional risk management or assessment is needed.

The Committee made several recommendations concerning the response to listing a substance on Schedule 1. It recommended amending CEPA to "[...] update, improve and prescribe timelines for all actions under CEPA, such as for listing a substance on Schedule 1 after the conclusion of a screening assessment; for producing draft measures to address all risks from newly listed substances and for finalizing those measures" (**Recommendation 54**). The Government commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

The Committee also recommended that CEPA be amended, "[...] to require mandatory monitoring of listed toxic substances" and "[...] to require publication every five years of a comprehensive state of the

environment report and that such a report incorporate specific environmental justice reporting on exposure levels in hot spots and assessments of health inequality" (**Recommendations 21 and 23**). The Government recognizes the Committee's concern, and supports the intent of **Recommendation 21**. The Government commits to continue delivering its programs for environmental monitoring and biomonitoring; these are important functions in ensuring the ongoing effectiveness and continuous improvement of chemicals management. For instance, human biomonitoring data are used in risk assessments (https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/human-biomonitoring-data-risk-assessment.html).

In addition, the Canada-Alberta Oil Sands Monitoring Program illustrates how the Government is committed to provide comprehensive environmental monitoring data and information to improve understanding of the long-term cumulative effects of oil sands development (https://www.canada.ca/en/environment-climate-change/services/oil-sands-monitoring.html). The two governments have been actively monitoring water quality, air quality and biodiversity in the Athabasca River basin since 2012. In the spirit of the Committee's recommendation, the two governments signed a Memorandum of Understanding in 2017 formalizing their shared responsibility to continue a long-term environmental monitoring program in the region, and to include greater Indigenous involvement in establishing monitoring priorities. Data from the program are publically available on the Oil Sands Information Portal. For example, for water quality, data are available for 17 sites in the lower Athabasca River, as well as for the Peace and Slave rivers, and their tributaries, and include measurements of major ions, nutrients, metals (dissolved and total) and organics (including BTEX, cyanide and polycyclic aromatic hydrocarbons (PAHs).

With respect to **Recommendation 23**, the Canadian Environmental Sustainability Indicators (CESI) program provides data and information to track Canada's performance on key environmental sustainability issues including climate change and air quality, water quality and availability, and protecting nature. CESI is the primary instrument to measure progress of the Federal Sustainable Development Strategy (FSDS) and responds to ECCC's legal obligations under CEPA and the *Department of the Environment Act* to report to Canadians on the state of the environment.

While implementation of this recommendation would duplicate many of the actions underway with respect to CESI and the FSDS, the Government commits to further consider the Committee's related recommendations on vulnerable populations, cumulative effects and hot spots as part of its stakeholder engagement through the CMP Post-2020 Process, which will inform how CEPA is reformed.

3.5.2 Virtual Elimination of PBTs and Reverse Burden for SVHCs

For substances assessed as "toxic" according to the criteria in section 64 and recommended for addition to Schedule 1 pursuant to paragraph 77(6)(b), ECCC must propose an instrument to establish preventive or control actions for managing the substance with the objective of reducing or eliminating risks to human health and the environment posed by its use or release.

For most toxic substances, the Act provides strict timelines to develop a risk management instrument but provides broad discretion as to the type of instrument and the risk management goal. However, for

toxic substances that are also bioaccumulative and persistent (PBTs), the Act also requires the Ministers to "implement virtual elimination" by: specifying a level of quantification (LOQ)—that is, the lowest concentration of a toxic substance that can be accurately measured using sensitive but routine sampling and analytical methods; adding the substance and its LOQ to the Virtual Elimination List; and, identifying the quantity or concentration of the substance that may be released into the environment in "release limit" regulations.

While the Government aims to achieve the risk management objective of virtually eliminating releases to the environment of PBTs, it is not always possible or practicable for the Ministers to meet all the statutory obligations associated with virtual elimination, such as specifying a LOQ or promulgating release limit regulations. The Committee acknowledged the practical challenges, and recommended that ECCC "[...] revisit the virtual elimination regime and implement a more effective regime" (**Recommendation 61**). The Government agrees with the Committee (see Discussion Paper 2.8) and this recommendation will inform its work to reform CEPA. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

The Committee also considered how best to identify and manage substances of very high concern (SVHCs). The Committee recommended that Part 5 of CEPA be amended to "[...] require a reverse-burden approach for a subset of substances that are of very high concern, including carcinogenic, mutagenic, and toxic to reproduction; very persistent and very bioaccumulative; and persistent, bioaccumulative and toxic. Substances in any of these categories should be prohibited unless industry can provide the government with adequate certainty that the substances can be used or emitted safely in specific applications and that there are no feasible substitutes"(**Recommendation 41**). CEPA provides broad authority, including an extensive suite of risk management tools, to manage the risks posed by substances with these characteristics. The Government recognizes the Committee's concern and commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

3.5.3 Life-Cycle Management

Toxic substances that are not subject to virtual elimination are managed using a life-cycle approach. A number of risk management tools may be used to control various aspects of the life-cycle of a toxic substance from the design and development stage to its manufacture, use, handling, storage, import, export, transport and ultimate disposal.

The Committee recommended "[...] that Environment and Climate Change Canada and Health Canada adopt a life-cycle approach to assessing and managing substances under CEPA" (**Recommendation 47**). The Government agrees and is committed to incorporating life-cycle analysis in risk management decision-making. Life-cycle analysis is fundamental in terms of how the departments consider exposure and risk (http://ec.gc.ca/toxiques-toxics/Default.asp?lang=En&n=5F705766-1). It also informs the instrument selection process, by examining where in the life-cycle (during manufacturing, use or after disposal) risk management is best focused. For example, in the case of mercury, various risk

management instruments are in place which target different points in the substance's life-cycle including industrial releases, products, and waste (https://www.canada.ca/en/environment-climate-change/services/management-toxic-substances/list-canadian-environmental-protection-act/mercury.html).

3.5.4 Informed Substitution

The Committee's report emphasized promoting the use of safer alternatives to substances on Schedule 1 (informed substitution), and avoiding situations where a substance on Schedule 1 is replaced with an equally if not more toxic substance (regrettable substitution). The Committee recommended amending CEPA to "[...] add a mandatory duty to assess alternatives as part of all screening assessments of existing substances" (**Recommendation 57**), to "[...] add a mandatory substitution test to the regulation of substances under Part 5 [...]" (**Recommendation 58**), and to make changes to ensure alternative assessments include "[...] consideration of the opportunities, costs and feasibility of adopting and implementing safer alternatives, clear recommendations for the elimination, or limited use of a toxic substance, efforts to ensure transparency across the supply chain regarding key information and the process to be used in the development of alternative assessments; and review of data on a consistent basis [...]" (**Recommendation 59**). Finally, the Committee also recommended that CEPA be amended to "[...] mandate that the Minister prepare national safer alternatives action plans for substances for which reports on safer alternatives have been prepared" (**Recommendation 60**).

The Government recognizes the concerns of the Committee, and supports the intent of **Recommendations 57-60**. This is an emerging area internationally. Where possible, ECCC and HC assess substances with similar usage patterns or chemical properties as a group. Recent examples include substituted diphenylamines (SDPA) and flame retardants. When ECCC develops or amends regulations with the intent of restricting or prohibiting toxic substances, the department takes into account the availability of economically and technically feasible chemical and non-chemical alternatives. When no economically and technically feasible alternatives are available, a phase out period to allow industry to find and transition to alternatives may be considered.

Canada is committed to collaborating with other jurisdictions to ensure that international experience helps inform the Government's emerging approach to alternatives assessment and informed substitution. The Government further commits to reviewing best practices regarding informed substitution internationally.

This Government is also considering new ways—including consulting with experts and stakeholders—to support informed substitution. ECCC commissioned a study to identify international best practices and options for Canada and commits to publish the results of this work. ECCC and HC also engaged the CMP Stakeholder Advisory Committee in 2017 and the Science Committee in January 2018 on informed substitution. The Government commits to further consider the Committee's recommendations as part of its stakeholder engagement on this issue through the CMP Post-2020 Process, which will inform how CEPA is reformed.

3.6 Other Recommendations

3.6.1 Electromagnetic Radiation

The Committee recommended that HC and ECCC "[...] conduct studies on the effects of electromagnetic radiation on biota, review the adequacy of the current guidelines provided in Safety Code 6 and report their findings back to the Committee" (**Recommendation 62**). HC has determined that exposure to radiofrequency electromagnetic energy below the levels in Safety Code 6 is not dangerous to the public and the Government has determined that no further updates to Safety Code 6 are required at this time. ECCC is reviewing the scientific evidence provided to the Committee on the effects of electromagnetic radiation on biota.

HC developed and maintains Safety Code 6, a radiofrequency exposure guideline formally entitled "Limits of human exposure to radiofrequency electromagnetic fields in the frequency range 3kHz to 300 GHz" (https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/safety-code-6-health-canada-radiofrequency-exposure-guidelines-environmental-workplace-health-health-canada.html).

Safety Code 6 was updated in 2015 to take into account recent scientific data from studies carried out worldwide. This update, which included more restrictive radiofrequency (RF) exposure limits than the previous version of the Code, was reviewed by an Expert Panel of the Royal Society of Canada (RSC). The RSC concluded that there are no established adverse human health effects at exposure levels below the limits proposed. Safety Code 6 was also recently reviewed by the House of Commons Standing Committee on Health and no changes were recommended. HC will continue to monitor the scientific literature on exposures to radiofrequency electromagnetic energy.

As part of its mandate, HC monitors the scientific literature and has conducted its own research on the human health effects of radiofrequency electromagnetic energy. This research has increased the scientific knowledge regarding the intensity of radiofrequency energy in our environment and the possible biological / health effects of radiofrequency energy, and has helped to establish the human exposure threshold where potentially adverse health effects may occur. This important information, along with other Canadian and international studies, forms the basis for establishing safety standards for radiofrequency energy that protects the health of Canadians. Information on research in this area is available on the HC website (https://www.canada.ca/en/health-canada/services/environmental-workplace-health/radiation/consumer-radiation/radiofrequency-fields/research-radiofrequency-energy-health.html).

3.6.2 Best Placed Act

The Committee made recommendations regarding which Minister should be responsible, or under which Act should fall the responsibility, for managing substances on Schedule 1. The Committee recommended that CEPA be "[...] the principal statute for regulating products containing toxic

substances" (**Recommendation 10**). The Government agrees that CEPA is the principal statute for regulating toxic substances (see Discussion Paper 2.9).

While the Government protects health and the environment using numerous laws that govern chemical substances, including those in food, drugs, pesticides and various types of products, CEPA is the foundational legal authority that ensures that all new substances are assessed for their potential to harm human health or the environment before their entry into the Canadian marketplace. However, to avoid regulatory duplication, CEPA does not apply in circumstances where another federal law provides for an equivalent pre-market assessment of both health and environmental risks. These acts and regulations are listed in Schedule 2 (new chemicals or polymers) and Schedule 4 (new animate products of biotechnology) of CEPA.

CEPA is also the key authority for managing the risks associated with existing substances. However, the Government also has access to risk management tools outside of CEPA that can address toxic or other chemical substances. Actions can be taken under other Acts, such as the *Canada Consumer Product Safety Act*, the *Pest Control Products Act*, and the *Food and Drugs Act*. When making risk management decisions, consideration is given to which Act is best placed, or which federal department has the best tools and expertise to manage the identified risks.

The Government explains all risk management decisions and has published a summary list of risk management instruments for substances that are concluded as toxic under section 64 of CEPA (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=B68C1BAF-1).

The Government agrees with the Committee's recommendation that CEPA be amended to "[...] formally allow the Minister of Health to be the lead in developing and recommending instruments and regulations under CEPA for a toxic substance in circumstances where the risks posed by the toxic substance are health related" (**Recommendation 11**) (see Discussion Paper 2.10) and this recommendation will inform its work to reform CEPA.

3.6.3 Environmental Performance Agreements

The Committee recommended that CEPA be amended to "[...] expressly allow performance agreements between either the Minister of Health or the Minister of Environment and Climate Change and another party, to fulfill the risk management obligation, subject to specific criteria, third party oversight and public notice" (**Recommendation 84**). The Government agrees with the Committee (see Discussion Paper 2.9, first bullet) and this recommendation will inform its work to reform CEPA.

More information respecting environmental performance agreements is available online (https://www.canada.ca/en/environment-climate-change/services/environmental-performance-agreements.html).

3.6.4 The Process for Addition to Schedule 1

A substance that is found to be "toxic" under section 64 of CEPA—through a Priority Substances List assessment of the substance, a screening assessment, or the review of a decision by another

jurisdiction—is recommended for addition to Schedule 1 of CEPA, with the exception of those substances included on the Non-Statutory List (www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/substances-list/toxic/not-listed-schedule-1.html).

The Committee recommended "[...] that substances be added to the List of Toxic Substances automatically upon a finding of toxicity by the Ministers of Health and Environment and Climate Change" (**Recommendation 52**). The Government acknowledges the Committee's concern, but does not support this recommendation at this time. If implemented, this recommendation would result in less transparency and public participation at an important point in Government decision-making than is currently provided. The current Act allows for stakeholders to provide comments, issue a notice of objection, or request a board of review regarding these decisions.

In some cases, substances are added to Schedule 1 of CEPA through section 90(1) of the Act (i.e., without having undergone a Priority Substances List assessment, a screening assessment, or a review of another jurisdiction's decision) if, on the recommendation of the Ministers, the Governor in Council is satisfied that a substance is toxic under section 64. This provides for an expedited route for addition to Schedule 1 if the circumstances warrant it.

3.6.5 Maintaining the Domestic Substances List

The Government agrees with the Committee's recommendation that CEPA be amended to "[...] add an explicit authority to remove a substance from the Domestic Substances List when it is not in commerce [...]" and that "[r]emoval should involve a transparent process with opportunity for public comment" (**Recommendation 53**) (see Discussion Paper 2.2). This recommendation will inform the Government's work to reform CEPA. The Committee also recommended that CEPA be amended to "[...] require every person who transfers a substance or living organism that is subject to a significant new activity notice and that is on the Domestic Substances List to notify all persons to whom the substance or living organism is transferred of an obligation to comply with the significant new activity notice" (**Recommendation 51**). The Government agrees with the Committee (see Discussion Paper 2.7) and this recommendation will inform its work to reform CEPA.

3.6.6 Animate Products of Biotechnology

Part 6 of the Act applies to "animate products of biotechnology", where biotechnology is defined as "the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified forms." The *New Substances Notification Regulations (Organisms)* establish classes or groups of organisms, including micro-organisms as well as "higher" organisms such as fish, livestock and insects (depending on the type of use). In the case of fish, ECCC has agreements with other federal departments to conduct assessments.

The Committee made recommendations regarding animate products of biotechnology, including to amend Part 6 of the Act, "[...] to provide clear rules on how and under what circumstances the right to introduce a new substance or organism is transferable [...]" (**Recommendation 63, sub-bullet 1**), "[...] to

provide clear rules on the approval process for new uses by the party introducing the substance or organism and by others they may sell the substance to [...]" (**Recommendation 63, sub-bullet 2**), and, "[...] to change the name of Part 6 from Animate Products of Biotechnology to a term more widely used such as Genetically Engineered or Modified Organisms" (**Recommendation 63, sub-bullet 3**).

Subsection 106(5) of CEPA addresses transfers of a living organism to persons other than the person who submitted the notification to the Government. The Government agrees with the intent of **Recommendation 63, sub-bullet 1.** In response to the Committee's call for greater clarity, ECCC is working to make additional guidance available on transfer of substances, products and intellectual property.

Existing guidance is described in the Government's advisory note on new substances (https://www.canada.ca/en/environment-climate-change/services/managing-pollution/evaluating-new-substances/biotechnology-living-organisms/advisory-notes/march-1996.html). This guidance is being revised to provide clearer direction. Special attention will be paid to the elements highlighted in the Committee's recommendations.

The Government agrees with the intent of **Recommendation 63, sub-bullet 2,** and ECCC and HC are developing additional guidance on the assessment and approvals processes to improve clarity in response to this recommendation.

The current guidance is described in the New Substances Guidelines for Organisms (https://www.canada.ca/en/environment-climate-change/services/managing-pollution/evaluating-new-substances/biotechnology-living-organisms/guidelines.html). ECCC and HC are revising this guidance to provide clearer direction. Special attention will be paid to the elements highlighted in the Committee's recommendations.

With respect to **Recommendation 63, sub-bullet 3,** the Government acknowledges the Committee's concern, but does not support this particular recommendation at this time. As explained above, Part 6 of the Act applies to animate products of "biotechnology", which is in turn defined as "the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified forms." Since Part 6 applies to both living organisms in their "natural or modified forms", it could be misleading or cause confusion if the title of the Part was changed to "Genetically Engineered or Modified Organisms."

Finally, the Committee recommended that "[...] the Minister of Environment and Climate Change lead a process involving other relevant federal departments and including meaningful public consultation to put in place an effective and transparent regulatory regime for genetically modified organisms" (**Recommendation 64**). The Government supports the intent of this recommendation, and ECCC is working with other federal departments and agencies to address these issues through administrative changes.

For example, a recent initiative to increase transparency regarding new substances involves a voluntary process whereby a summary of new notifications on higher organisms is published for a "public

comment" period early in the assessment process. The public comment period would solicit public submissions of scientific information to inform the risk assessment (see response to **Recommendations 25 and 26** in Chapter 5).

4 Addressing Air Pollution and Greenhouse Gases

CEPA provides the Government with a variety of options to control air pollutant and greenhouse gas (GHG) emissions. Divisions 4 and 5 of Part 7 of the Act provide authorities to regulate the manufacture and import of specific products that contribute to air pollution and GHG emissions, such as fuels, vehicles, engines, and equipment. These Divisions enable the making of regulations to control the composition of fuels as well as the emission performance of a wide range of on-road and off-road vehicles and engines. In addition, GHGs and many air pollutants are on the List of Toxic Substances in Schedule 1 of CEPA. This allows the Government to use the broad regulatory powers in section 93 of Part 5 of the Act to manage those substances, such as for carbon dioxide emissions from the coal-fired generation of electricity. In addition, Part 3 of the Act allows the Government to create a wide range of non-regulatory tools, such as guidelines and codes for environmentally sound practices, and objectives for desirable levels of environmental quality. Sections 71 and 46 of Part 3 also enable the Government to compel the submission of information for the purpose of assessing risks and producing inventories respectively.

4.1 Vehicle and Engine Emissions

The combustion of fossil fuels to power vehicles and engines is one of the largest sources of air pollution and has major adverse impacts on the environment and health of Canadians. The operation of vehicles and engines also results in emissions of GHGs that are primary contributors to climate change. Since the coming into force of CEPA in 2000, the Government has adopted stringent standards to limit smog-forming emissions from on-road vehicles and engines using the enabling authorities of Part 7 Division 5, including cars, light-duty trucks, motorcycles and heavy-duty vehicles and engines. As well, several regulations have been put in place that establish emission standards for smog-forming emissions from a wide range of off-road vehicles and engines including: small spark-ignition engines used in lawn and garden equipment; recreational vehicles such as snowmobiles, off-road motorcycles and all-terrain vehicles; spark-ignition marine engines including outboards, inboards and personal watercraft engines; and, large diesel engines used in applications such as agriculture, construction, mining, and forestry. Since 2010, regulations have been adopted to limit GHGs from on-road vehicles, including cars, light-duty trucks and heavy-duty vehicles and engines.

As exemplified above, the existing framework of Part 7 Division 5 of CEPA has provided ECCC with the ability to establish emission standards for a broad range of vehicles and engines. The recommendations made by the Committee include a minor change that could be made to further expand the scope of authority and improve the effectiveness of this Division of CEPA. The Committee recommended that CEPA be amended to "[...] provide authority to regulate the full suite of small marine diesel engines found in Canada" **(Recommendation 70)**. The Government agrees with the Committee (see Discussion

Paper 1.1) and this recommendation will inform its work to reform CEPA. The Committee also recommended "[...] that future regulations relating to small marine diesel engines contain a grandfather clause to ensure that Indigenous peoples will not be barred from conducting traditional harvest activities" **(Recommendation 71)**. The Government agrees with the Committee, and if it addresses **Recommendation 70** as part of its work to reform CEPA and proceeds with the development of such regulations pursuant to that broader authority, it will provide Indigenous organizations and communities an opportunity to provide their views on the specific design elements.

The Committee recommended that ECCC "[...] work with the Canadian Trucking Alliance [CTA] to establish testing protocols for greenhouse gas reduction qualifying technology, to ensure that such technology and systems are suitable for use in Canada" **(Recommendation 67)**. In response to this recommendation, ECCC has initiated discussions with the CTA to better understand the Association's concerns related to this issue and assess whether any action is warranted. If it is ultimately determined that further action is warranted, the issue would likely be addressed through future program or regulatory changes. Any proposed regulatory change would be developed through the normal regulatory process, which would include consultations with all interested parties.

More broadly, the Government's ecoTECHNOLOGY for Vehicles Program, administered by Transport Canada in close coordination with ECCC, conducts in-depth safety and environmental performance testing on a range of new and emerging advanced passenger car and truck technologies. The program enhances the Government's capacity to proactively test these new technologies, before they are well established in the market. Results are being used to help inform the development of safety and environmental regulations and industry codes and standards to ensure that new innovations can be introduced in Canada in a safe and timely manner.

The Committee also recommended "[...] that ECCC consult with the [CTA] on the degree to which the distance of limp mode should be extended" (**Recommendation 68**). "Limp mode" refers to the state of limited functionality that a vehicle goes into when a major operational problem is detected. Modern engines are largely controlled by an on-board computer and many sensors provide feedback on operational parameters to that computer. Manufacturers have typically designed such engines to incorporate a "limp mode", which generally occurs when the signal value sent by a sensor to the computer is not within a pre-programmed range. The limp mode will generally switch to "secondary" or "emergency" programming that is intended to protect the engine or transmission from damage under critical conditions. In recent years, diesel engine manufacturers may have also incorporated a limp mode approach associated with improper operation of a major emissions control system, which typically includes an escalating warning system that provides considerable notice to the operator before entering a state of reduced functionality.

In response to this recommendation, ECCC has initiated discussions with the CTA to better understand the Association's concerns in this regard and to assess whether any action is warranted. If it is ultimately determined that further action is required, the issue would likely be addressed through future program

or regulatory changes. Consistent with the above, any proposed regulatory change would be developed through the normal regulatory process, which would include consultations with all interested parties.

Existing authorities under Part 7 Division 5 of CEPA effectively enable the Government to prohibit the incorporation of defeat devices on new vehicles and engines that are manufactured in Canada and that are imported into Canada. These apply to a "company" as defined in section 149 of the Act, e.g., a domestic vehicle manufacturer or importer. The Committee recommended that CEPA be amended to "[...] empower the Government to take action against anyone who manufactures, sells or installs equipment that interferes with vehicle emissions controls" (**Recommendation 69**). The Government agrees with the Committee and this recommendation will inform its work to reform CEPA.

In Canada, the establishment of requirements or restrictions regarding after-market modifications to vehicles is generally addressed under the jurisdiction of provincial or territorial governments, including modifications that may interfere with vehicle emissions controls. ECCC continues to work with provinces and territories through the Mobile Sources Working Group of the Canadian Council of Ministers of the Environment to consider opportunities for reducing emissions from in-use vehicles, including ways to address the risk of persons tampering with emission controls on in-use vehicles or engines.

4.1.1 Temporary Importations

CEPA provides for the importation of vehicles or engines that do not meet the prescribed standards if the importation is for certain specific purposes, namely exhibition, demonstration and, evaluation or testing, for a specified period. The Committee recommended that section 155 of CEPA be amended to "[...] clarify options in addition to removing a vehicle, engine, or equipment from Canada [...]" (**Recommendation 72**). The Government agrees with the Committee (see Discussion Paper 1.2), and this recommendation will inform its work to reform CEPA. In the interim, ECCC continues to administer temporary importations through the implementation of the existing regime.

4.1.2 Improved Notice of Defect Regime

CEPA currently requires that a manufacturer or importer issue a notice of defect to the Minister of ECC and to owners of affected vehicles and engines upon becoming aware of a defect that affects or is likely to affect its compliance with a prescribed standard under applicable emission regulations. The notice is required to contain information that provides a description of the defect, an evaluation of the pollution risk arising from the defect, and directions for correcting it. While not required by the Government, vehicle and engine manufacturers and importers typically pay for the correction of defects as a common business practice.

The Committee recommended that certain improvements be made to the Notice of Defect provisions under CEPA (**Recommendation 73**). The Government agrees with the Committee (see Discussion Paper 1.3) and this recommendation will inform its work to reform CEPA. In the interim, ECCC continues to administer notices of defect through the implementation of the existing regime.

4.2 Fuels

Existing regulation-making authorities under Part 7 Division 4 of CEPA allow for regulations to be made relating to the composition or quality of fuels. Current authorities, however, do not expressly allow for regulations to be made requiring labelling of fuel dispensing equipment. The Committee recommended that CEPA be amended to "[...] authorize expressly the making of regulations respecting labelling of fuel dispensers" (**Recommendation 65**). Section 140(2) of the Act currently provides that regulations regarding fuel content may only be made if the Governor in Council is of the opinion that they could make a "significant" contribution to the prevention of, or reduction in, air pollution. The Committee recommended removal of the word "significant" from this subsection (**Recommendation 66**). The Government agrees with **Recommendations 65 and 66** (see Discussion Paper 1.5 and 1.6), and these recommendations will inform its work to reform CEPA. In the interim, ECCC continues to develop and implement fuel regulations in accordance with existing authorities under Part 7 Division 4 of CEPA.

4.3 Air Quality Management

Federal, provincial and territorial governments work collaboratively to reduce air pollution in Canada, in recognition of the shared jurisdiction on environmental matters. In 2012, federal, provincial and territorial Ministers of the Environment agreed to move forward collaboratively with the implementation of a national Air Quality Management System (AQMS), a framework developed to improve air quality and protect the health and environment of Canadians.

The AQMS is designed to allow the "best placed" government to act, and balances the need for consistency across Canada with the need for flexibility to allow provinces and territories to address air quality in their jurisdictions. Key elements include: Canadian Ambient Air Quality Standards (CAAQS); a framework for air quality management through local air zones and regional air sheds; industrial emission requirements for major industries; and reporting to Canadians.

The Committee recommended that CEPA be amended to "[...] set out the legal framework for the federal government to work with provinces, territories and Indigenous peoples to address instances of inter-provincial air and water pollution", and "[...] to require the federal government to develop legally binding and enforceable national standards for air quality in consultation with the provinces, territories, Indigenous peoples, stakeholders and the public" (**Recommendations 35 and 36**). The Government supports the intent of these recommendations and shares the Committee's desire to ensure that air quality continues to improve. The Government is committed to continuing to take action to improve Canada's air quality through the AQMS, and other processes for addressing inter-jurisdictional air pollution issues.

The AQMS is a comprehensive approach for reducing air pollution in Canada. It is the product of unprecedented collaboration among federal-provincial-territorial governments, industry, and civil society. Federal-provincial-territorial governments have clear roles and responsibilities in the implementation of the system, which enjoys significant support due to its collaborative nature.

Mandating federal legally binding and enforceable air quality standards could undermine the effectiveness of this collaborative approach.

Under the AQMS, CAAQS are developed and reviewed on a regular basis so that they continue to adequately protect human health and the environment. As part of the AQMS, reporting on the achievement of the CAAQS is undertaken by jurisdictions and published in a report on the state of the air, which is updated annually. This is a new report that provides a wide range of information to the public on air quality across Canada. Last year the Government also established more stringent CAAQS for sulfur dioxide and nitrogen dioxide, and the Government is currently in the process of reviewing the CAAQS for ozone in terms of its continued adequacy for protecting the health and environment of Canadians. A planned review of the CAAQS for fine particulate matter will begin later next year. The Government will update the standards as necessary to continue to protect human health and the environment.

CAAQS drive air quality improvements across the country and are reviewed on a regular basis for their adequacy to protect the environment and human health. The CAAQS are underpinned by management levels, which require progressively more stringent action by provinces and territories as air quality approaches the level of the ambient standard.

The Government has also put in place the *Multi-Sector Air Pollutants Regulations* to require reduced emissions from industrial boilers and heaters and stationary spark-ignition engines used by a number of Canadian industries, as well as standards for the cement sector. These regulations are expected to yield over $6 billion in cumulative health and environmental benefits over the 2016 to 2035 period, including 1200 fewer premature mortalities.

To reduce emissions of key air pollutants such as sulfur dioxide (SO_2), nitrogen dioxide (NO_2), particulate matter, and volatile organic compounds (VOCs), the Government recently published measures under CEPA for air pollutants from numerous other industrial sources. Most recently, ECCC has published proposed regulations to reduce VOCs from the refineries and petrochemicals sectors, which are expected to improve air quality, in particular for Canadians who live near petroleum refineries and petrochemical facilities. These are expected to be finalized in late 2018. ECCC has also begun to develop regulations to reduce additional air pollutants such as SO_2, nitrogen oxides and fine particulate matter from oil refineries.

4.4 Other Air Quality-Related Recommendations

4.4.1 Products that may Release a Substance

Some products that do not contain a toxic substance can create and release a toxic substance during their life cycle. For example, portable fuel containers, i.e., "jerry cans", are not necessarily made of toxic substances, but they may release toxic volatile organic compounds while they are used to store gasoline. Another example of products that may create and release a toxic substance during their life cycle is woodstoves.

The Committee recommended that CEPA be amended to "[...] expressly allow information-gathering and regulation making to target the design and functioning of products, and to apply to manufacturers, importers or distributors of the products, rather than only to the users of products" (**Recommendation 55**). The Government agrees with the Committee (see Discussion Paper 1.7) and this recommendation will inform its work to reform CEPA.

4.4.2 Hot Spots

The Committee recommended that "[...] CEPA be amended to define "hot spots"" (**Recommendation 22**) and that ECCC "[...] undertake, in consultation with the provinces, territories Indigenous communities and the public, an assessment of potential hot spots or areas of potential intensified or cumulative emissions of toxins to ensure protection for vulnerable persons" (**Recommendation 45**). Currently, authorities exist under CEPA to allow some regulations to target specific areas within Canada, subject to some limitations. The Government commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed. More information concerning the Government's response to the Committee's recommendations regarding 'hot spots' can be found in the sections on "Vulnerable Populations and Cumulative Effects" and "Response to Addition to Schedule 1"in Chapter 3 of this Report.

4.4.3 Auctioning of Tradeable Units

A tradeable unit regime under CEPA could be used in the context of emissions from vehicles. Authorities exist under CEPA to develop systems of tradeable units, but not to sell those units at a fixed price or by competitive bidding (i.e., auctioning). The Committee recommended that CEPA be amended to "[...] expressly provide for the tools necessary to establish and operate a properly functioning auctioning system, such as the authority to sell tradeable units either at a fixed price or by competitive bidding" (**Recommendation 82**). The Government agrees with the Committee (see Discussion Paper 1.8), and this recommendation will inform its work to reform CEPA.

5 Environmental Rights

In its report, the Committee recognized that numerous aspects of CEPA "[...] exemplify substantive and procedural dimensions of environmental rights [...]" and framed a number of its recommendations in terms of giving greater force and effect to environmental rights. For instance, the Committee recommended that "[...] a series of substantive and procedural improvements be incorporated into the various sections of CEPA to give greater force and effect to environmental rights, including as set out in recommendations 2, 4, 15-34, 36, 37, 39-50, 52, 54, 56-60, 62, 75, 76 and 80" (**Recommendation 5**).

The Committee characterized environmental rights as having three dimensions: i) a substantive right to environmental quality; ii) the obligation of non-discrimination in environmental protection

(environmental justice); and iii) procedural environmental rights. Each of these dimensions is discussed in the sections below.

5.1 A Substantive Right to Environmental Quality

The Committee recommended that the preamble of CEPA be amended to explicitly "[...] recognize the right to a healthy environment" (**Recommendation 3, sub-bullet 1**), and that the "[...] Government consider amending CEPA to include the right to a healthy environment [...]" in a number of specific sections of CEPA (**Recommendation 4**). However, the Committee did not define what such a right would mean. The Committee recognized that the environmental protections provided in CEPA already establish substantive protections for environmental quality. The Government commits to further study and stakeholder engagement on the implications of these recommendations.

5.2 Procedural Environmental Rights

As noted by the Committee, procedural rights are already strongly represented in CEPA, including access to information, public participation and access to justice (e.g., codified consultation and public comment periods; requirements to publish information and maintain the CEPA online registry; the ability of the public to bring civil actions against alleged offenders, and to request reviews of existing laws and policies and whistle-blower protections).

In addition, engaging stakeholders and the public is central to several programs under CEPA. For example, at each stage in the CMP management cycle stakeholders are engaged, the public has the opportunity to be involved, the government works closely with provincial, territorial and Indigenous counterparts, and information is reported to the public. Under the CMP, the Government publishes rolling work plans for information gathering, risk assessment, as well as risk management activities and consultations.

External bodies also support the implementation of the CMP. The CMP Science Committee helps to ensure that the CMP has a strong science foundation. The Science Committee meets biannually, and can hold additional meetings as needed. The CMP Stakeholder Advisory Council encourages dialogue among different stakeholder groups and offers them the opportunity to provide advice and input to Government on policy and program implementation. The Stakeholder Advisory Council also meets biannually, with the possibility of additional technical meetings or discussions. In addition, the CMP program also holds biannual Multi-Stakeholder Workshops with a focus on engagement with a broader group of stakeholders on current and future topics.

The Committee recommended that CEPA be amended to "[...] expand and strengthen duties and rights for transparency, public participation, accountability mechanisms and consultation" (**Recommendation 2**). The Committee also recommended that taking action on a number of its recommendations could result in procedural and substantive improvements to the Act (recommendations 2, 4, 15-34, 36, 37, 39-50, 52, 54, 56-60, 62, 75, 76 and 80) (**Recommendation 5**). The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—

through improved implementation of CEPA and programs. These recommendations will also inform the Government's work to reform CEPA.

The Committee recommended that "[...] following stakeholder consultations on the implementation of hazard labelling, CEPA be amended to require mandatory hazard labelling of all products containing toxic substances" (**Recommendation 15**). The Government recognizes the importance of improving Canadians' access to the information they need to make informed decisions about the products that they use. The Government commits to continuing to consider product labelling as part of the suite of available risk management tools and to reviewing best practices regarding product labelling internationally. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.

CEPA includes authorities to require the labelling of products. This authority has been used in various cases, such as the *Products Containing Mercury Regulations*. Labelling requirements also exist under other federal acts that manage chemicals in consumer products (e.g., the *Canada Consumer Product Safety Act*, the *Pest Control Products Act* and the *Food and Drugs Act*).

As part of the current phase of the CMP, ECCC and HC have increased transparency through a number of implementation-based approaches and will continue to do so. In response to the Committee's recommendations, ECCC and HC have already made changes to make it easier for the public to obtain information on chemicals, including through the creation of information sheets and plain language summaries for assessed substances, risk assessment fact sheets, and the publication of risk assessments and risk management actions. Summaries of data collected using information gathering provisions under CEPA are also made available to the public, and raw data is now being made available through the Government Open Data portal. A national media campaign (radio and print) has focused on high profile substances such as asbestos, boric acid and flame retardants. HC has targeted specific groups (youth, seniors, homeowners, caregivers, and Indigenous organizations) to communicate information on toxic substances that is relevant to them. Website improvements, contributing data to Open Government, and increased use of social media platforms, such as Facebook and Twitter, are also aimed at engaging and informing Canadians.

The Government also publishes a Chemicals Management Plan (CMP) Progress Report twice a year to keep stakeholders and other interested parties up to date on the activities and programs related to the CMP. It reports on advances in major initiatives and highlights key activities related to the Government's recent work under the CMP.

Potential new areas are being considered to further improve Canadians' access to information they need to make informed decisions about the products they use:

- *Identifying information needed by Canadians and consumers to make informed product choices*: Additional research is being conducted to better understand what information is needed by consumers, and in what format, to help them make informed decisions about the products they buy and how they use them to protect themselves from risks, as well as how to determine safer

alternatives. The Government will consult on options and roles of various stakeholders as it develops its post-2020 chemicals management program.

- *Building partnerships to provide better information*: ECCC and HC are considering how to better engage manufacturers and retailers to determine how they could play a more active role in communicating the risks of chemicals at the retail level. Using science-based information provided by the Government and other sources, manufacturers, distributors, retailers or third parties could develop consumer tools (e.g., barcodes / QR codes, mobile apps, certification programs) to identify product ingredients, in particular harmful ones, and provide links to trusted safety information or product alternatives.

- *Considering the potential for "nudging" techniques and new technologies to influence consumer behaviour*: The use of technologies such as cell phone apps could help consumers make point-of-purchase decisions, and exert influence on manufacturers to use greener chemistry in their products.

The Committee recommended "[...] improving the CMP website to allow anyone to submit data, evidence, and arguments for consideration" (**Recommendation 24**). The Government supports the intent of this recommendation, and is implementing it through online reporting tools. For instance, ECCC's Single Window and an e-mail portal allows stakeholders to provide any data or comments they want the Government to consider in risk assessments and risk management activities. Stakeholders may also provide views or seek clarifications through letters to the Minister or petitions to the Commissioner of the Environment and Sustainable Development, or by contacting the program directly.

To further increase transparency and to facilitate access to information on substances in commerce in Canada, the Government is also committed to providing summaries of information received in response to information gathering initiatives. Non-confidential summaries can be found on the Government of Canada's Open Government Portal (https://open.canada.ca/data/en/dataset?q=information+received+in+response+to+the+data+gathering+initiative&page=1).

The Committee also recommended that CEPA be amended to "[...] require notice in the *Canada Gazette* for a 30-day comment period when a person submits a new substance or living organism notification [...]" (**Recommendation 25**) and that CEPA be amended to "[...] establish a more open, inclusive and transparent risk assessment process that better enables public participation in the evaluation of new living modified organisms" (**Recommendation 26**). The Government recognizes the Committee's concern, and acknowledges the need to balance the private interest in confidentiality and the public interest in access to information.

The Government publishes summaries of the risk assessments of new living organisms (https://www.canada.ca/en/environment-climate-change/services/managing-pollution/evaluating-new-substances/biotechnology-living-organisms/risk-assessment-decisions.html), and new chemicals and polymers (https://www.canada.ca/en/environment-climate-change/services/managing-

pollution/evaluating-new-substances/chemicals-polymers/risk-assessment-summaries.html) where a risk management instrument has been imposed on the substance.

The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—through improved implementation of CEPA and programs. For example, the Government will publish summaries of completed risk assessments of all substances assessed under the *New Substances Notification Regulations* that are eligible for addition to the Domestic Substances List. The Government will also work with notifiers to voluntarily publish non-confidential summaries of notifications for higher organisms (e.g., genetically modified plants and animals). The publication of the summary will allow for a public comment period where the public will be invited to alert the departments to relevant scientific information and test data that may inform risk assessment. A summary of comments received will also be published.

The Government continues to engage stakeholders on additional program improvements to increase transparency and public engagement as part of the CMP Post-2020 process, including at the May 2018 Multi-Stakeholder Working Group meeting. These recommendations will also inform the Government's work to reform CEPA.

The Committee also recommended amending subsection 54(3) and similar sections of the Act to "[...] require public consultation and the publication of peer-review comments" (**Recommendation 27**). The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods. Public participation and transparency are important in the development of objectives, guidelines and codes of practice issued under subsection 54(1). While not all comments should be publicly attributed, the Government is addressing this recommendation through implementation. For example, ECCC has implemented a process where instruments issued under section 54 are pre-published in the *Canada Gazette* for a 60-day public comment period. ECCC also commits to considering opportunities for increased transparency and public participation in the development of environmental quality guidelines.

The Committee recommended that CEPA's procedural rights and transparency could be increased by amending CEPA "[...] to expand the scope of the Environmental Registry to consolidate all postings and provide notice and comment opportunities for all applications and proposed regulations, policies, guidelines, approvals and permits under federal environmental legislation" (**Recommendation 29**). The Government does not support this recommendation at this time.

The CEPA Environmental Registry publishes all documents relating to the administration of CEPA, including: agreements (e.g., administrative agreements, equivalency agreements); CEPA annual reports; the CEPA Compliance and Enforcement Policy; environmental protection alternative measures; fact sheets; codes of practice, guidelines and objectives; memoranda of understanding; notices of objection; plans (e.g. pollution prevention plans); significant new activity notices; and substance lists.

The CEPA Environmental Registry also contains a number of notices, orders and permits issued under CEPA, as well as current, proposed, or repealed CEPA regulations. It can also be used to search all public consultations that are in progress or that have been completed under CEPA.

Expanding it to all federal environmental legislation would increase its complexity significantly, and could be duplicative of other resources, such as the Species at Risk Public Registry (https://www.registrelep-sararegistry.gc.ca/default.asp?lang=en&n=24F7211B-1).

The Government supports the Committee's recommendations concerning disclosure of information such as "[...] explicit biological names of substances or living organisms when risk management instruments are in place for the substance or living organism" (**Recommendation 16**) and the release of "[...] the explicit chemical or biological name [...]" for masked names after a 5-year period (**Recommendation 17**) (see Discussion Paper 2.3). The Government agrees with the Committee and these recommendations will inform its work to reform CEPA. In the interim, the Government is finalizing an approach to strengthen transparency in CMP risk assessment activities which will require that companies now provide a rationale for confidential business information (CBI) claims and outline the types information that are generally not expected to be CBI. The approach will also detail a process whereby the Government may disclose certain CBI in specified circumstances (https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/initiatives/transparency-risk-assessment-activities.html).

Finally, the Government agrees with the Committee's recommendation to require proponents to provide a justification for keeping information confidential under section 313 (**Recommendation 18**) (see Discussion Paper 9.1), and this recommendation will inform its work to reform CEPA.

5.3 National Pollutant Release Inventory Reporting

Good information is crucial for enabling informed public decisions and holding the Government accountable. The National Pollutant Release Inventory (NPRI) plays an important role in supporting that goal. The NPRI is Canada's legislated, publicly accessible inventory of pollutant releases and transfers. It comprises information reported by facilities to ECCC under CEPA. The NPRI is at the center of the Government's efforts to track toxic substances and other substances of concern. It is a key tool for identifying and monitoring sources of pollution in Canada, as well as for developing indicators for the quality of our air, water and land. Information collected through the NPRI is used for chemicals management initiatives and is made publicly available to Canadians each year. Public access to the NPRI motivates industry to prevent and reduce pollutant releases. NPRI data helps the Government track progress in pollution prevention, evaluate releases and transfers of substances of concern, identify and take action on environmental priorities, conduct air quality modelling, and implement policy initiatives and risk management measures.

ECCC considers improvements to the NPRI program requirements on an ongoing basis through existing processes and using published decision factors (https://www.canada.ca/en/environment-climate-change/services/national-pollutant-release-inventory/publications/process-proposing-considering-

changes/chapter-3.html). The decision factors help to determine if the NPRI is the appropriate vehicle to collect the information sought by the change proposal and whether the change is warranted.

Any person in Canada can propose changes to the NPRI reporting requirements. Proposed changes to NPRI requirements are consulted on with stakeholders, in particular through the NPRI Multi-Stakeholder Work Group, which includes representatives of the reporting community, environmental non-governmental organizations, and Indigenous organizations.

Recent changes to NPRI requirements, which were considered through this multi-stakeholder process, are improving the data available through the NPRI. For example, the coverage of reporting from the oil and gas extraction sector is being increased. Many reporting facilities from this sector are being required to report more information about their releases to air for a larger group of substances. Also, up to 2,000 additional facilities are being required to report their releases from storage tanks. Other changes include increasing reporting from the chrome plating sector, changing the list of volatile organic compounds to be more relevant for forecasting air quality, and providing more information to understand changes in reported values over time. The NPRI will collect and publish data reflecting these changes in 2019, and annually afterwards.

The Committee recommended that various improvements be made to the NPRI, all of which could impact reporting on releases of pollutants to the Canadian environment. The Committee recommended "[...] removing the reporting exemption for oil and gas exploration and drilling [...]" activities (**Recommendation 19, sub-bullet 1**). Emissions from most oil and gas activities are covered by the NPRI. About 3,500 oil and gas facilities currently report under the NPRI each year. Following the Committee's report, ECCC announced an expansion in NPRI reporting requirements, which will result in more oil and gas facilities starting to report for this year. The exemption for exploration and drilling activities has been retained because emissions from these activities are typically too low to meet the NPRI reporting thresholds, and the activities themselves are time-limited, making them difficult to capture through an annual, facility-based reporting program like the NPRI. As part of ongoing program review processes, the Government continues to assess new information on oil and gas exploration and drilling activities to determine if a re-consideration of reporting to the NPRI for these activities is warranted. If so, such changes would be considered using existing NPRI processes and using published decision factors, in consultation with NPRI stakeholders.

The Committee recommended "[...] including separate NPRI spills reporting requirements in CEPA [...]" (**Recommendation 19, sub-bullet 2**). The Government supports the intent of this recommendation, and will implement this intent by collecting and reporting separate information on spills through the NPRI, under section 46.

The Committee recommended "[...] requiring reports on facility operational performance on pollution prevention and reduction [...]" (**Recommendation 19, sub-bullet 3**). The Government supports the intent of this recommendation and has expanded the NPRI reporting requirements as of the 2018 reporting year. These include improving information on the reasons why reported quantities change

from year to year, and identifying potential barriers to pollution prevention. Changes being considered for 2020 reporting include better linking of reported pollution prevention activities to individual NPRI substances. These changes were informed by regular engagement with stakeholders and data users, from within and outside of government, to seek input on potential improvements to the program.

The Committee recommended that NPRI reporting include "[...] daily, weekly and monthly pollution data [...]" (**Recommendation 19, sub-bullet 4**). The Government does not support this recommendation at this time. The purpose of NPRI reporting is to provide information on annual trends in emissions and releases. The NPRI is not intended to capture specific information on releases at a particular moment in time. Reporting requirements under regulations, on the other hand, are often more detailed and require more frequent monitoring and reporting. ECCC continues to require reporting through the NPRI on a monthly breakdown of pollutant release data for certain substances and a quarterly breakdown for others.

The Committee recommended that the Government consider "[...] lowering thresholds for NPRI reporting [...]" (**Recommendation 19, sub-bullet 5**). The Government supports the intent of this recommendation, and will continue to consider changes to NPRI reporting requirements, including reducing the thresholds for substances that must be reported. The program recently set reduced thresholds for a number of substances. Any person in Canada can propose changes to the NPRI reporting requirements, including threshold reductions.

The Committee recommended amending CEPA to "[...] enable public input to NPRI reports and to require timely government response" (**Recommendation 19, sub-bullet 6**). The Government supports the intent of this recommendation and has established a public process for considering changes to the NPRI. This enables public input to program requirements and timely responses to change proposals.

The Committee recommended that CEPA be amended to "[...] require that all substances known to be persistent and/or bioaccumulative be included in the [NPRI]" (**Recommendation 20**). The Government recognizes the concern of the Committee and will assess these substances for addition to the NPRI as part of the public process for considering changes to the NPRI using published decision factors. These decision factors require that substances listed on the NPRI are of human health or environmental concern and are released in significant quantities from facilities.

5.4 Environmental Justice

Environmental Justice, or the obligation of non-discrimination in environmental protection, relates to addressing the unequal burden of exposure of certain groups of the population to environmental impacts. For example, environmental exposure to certain substances may pose greater health risks for certain more vulnerable members of society, such as children, expectant mothers, and elderly persons, than for the general population, owing to physiological differences such as body size, weight, metabolism and growth rate. It is also important that risk management decisions provide protection to all Canadians, and avoid situations where low income or other groups of people are exposed to higher

risks than others. The Committee made several recommendations relating to vulnerable populations and "hot spots" designed to help improve environmental justice under CEPA. For a full discussion of the steps the Government is considering to improve environmental justice under CEPA, refer to the "Vulnerable Populations and Cumulative Effects" and "Response to Addition to Schedule 1" subsections of Chapter 3 and the "Hot Spots" subsection of Chapter 4.

6 Government Operations and Federal and Aboriginal Land

In Canada, environmental protection is generally provided by a mix of federal and provincial/territorial laws. However, under the Constitution of Canada, provincial environmental laws do not necessarily apply to government operations and federal land (the federal house) and on some aboriginal lands. This creates an environmental protection regulatory gap for matters that are otherwise covered under provincial and municipal laws, such as regulations and permit systems to address emissions, effluents, waste handling, facility permitting, and source water protection.

Part 9 of CEPA provides broad regulatory authorities to help address environmental protection for the federal house and on aboriginal lands. "Aboriginal land" is specifically defined in CEPA as reserve lands and certain lands under land claim or self-government agreements, if the land title remains with the Crown. Any regulations made under Part 9 must apply to all federal departments, boards, agencies, works and undertakings, and Crown corporations, as well as on federal and aboriginal lands and the activities on those lands. There are currently two regulations under Part 9, regulating petroleum storage tanks and halocarbons on federal and aboriginal lands.

In addition to Part 9 of CEPA, other legislative tools are available which may help to address some aspects of environmental protection on First Nations reserve lands. For example, the *Wastewater Systems Effluent Regulations* made under the *Fisheries Act* in 2012 apply to the wastewater systems of over 200 First Nations. In addition, the *First Nations Commercial and Industrial Development Act* enables project-specific environmental protection regulations, at the request of a First Nations wishing to pursue a large-scale commercial or industrial project on reserve. The *Safe Drinking Water for First Nations Act* authorizes the development of federal regulations governing the provision of drinking water, water quality standards, and the disposal of waste water in First Nations communities. No regulations have been made under that Act to date. The *First Nations Land Management Act* also provides participating First Nations with certain authorities for land management and environmental protection. As the Committee observed, despite these tools, there remains a substantial gap in the level of environmental protection on First Nations reserve lands compared to provincial and private lands.

In its report, the Committee recommended amending CEPA "[...] to provide for a legislated framework and a promulgated regulatory regime on federal lands" (**Recommendation 76, sub-bullet 1**), that "[...] the government develop specific objectives, guidelines and codes of practice on federal lands excepting aboriginal lands" (**Recommendation 76, sub-bullet 2**), and that "[...] the federal government initiate consultations with Indigenous peoples on the development of specific objectives, guidelines and codes

of practice on aboriginal lands and promulgate a regulatory regime" **(Recommendation 76, sub-bullet 3)**.

The Government commits to further engagement on a whole-of-government approach to addressing the environmental protection regulatory gap on federal lands with a focus First Nations reserve lands. The Government recognizes that engagement with Indigenous communities, particularly with First Nations communities, is essential to determine the most appropriate path forward. The Government is committed to working collaboratively with First Nations, on a nation-to-nation and recognition of rights basis, to explore options to address the environmental protection regulatory gap on reserve lands. This commitment is consistent with the Recognition and Implementation of Rights Framework as well as Canada's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.

Preliminary informal feedback from First Nations individuals suggests that a range of options should be considered to address aspects of this gap. As part of the engagement process, the Government may consider potential amendments to CEPA, including those suggested in section 7.1 of the Discussion Paper, which could make Part 9 a more flexible and robust tool to help address the environmental protection regulatory gap for the federal house in general, and on First Nations reserve lands in particular.

For any regulatory regime on reserve lands to be effective, the technical and financial capacity of First Nations to implement and enforce such a regime in their communities must also be addressed. Proceeding with any regulatory regime, without ensuring adequate capacity to satisfy the regulatory requirements, may do little to meaningfully address the gap. In this respect, a comprehensive regulatory and policy approach, which considers the full range of relevant issues, will be explored.

As stated above, the Committee also recommended taking action on federal lands. In order to develop regulations that focus only on federal government lands and property, a legislative amendment would be required to decouple federal lands from aboriginal lands under Part 9 of CEPA. The Government recognizes the importance of action on government lands and properties and has taken action towards transitioning to low-carbon and climate resilient operations, as outlined in the Greening Government Strategy (https://www.canada.ca/en/treasury-board-secretariat/services/innovation/greening-government/strategy.html).

The Committee also made several other recommendations that reference Indigenous Peoples. These recommendations are addressed in the "Cooperation with Indigenous Governments" section of Chapter 8 of this Report.

6.1 Engagement

Given the importance of ensuring that First Nations are fully engaged in the development of appropriate solutions within the context of a nation-to-nation relationship and the recognition of rights, the Government commits to returning to the Committee once engagement has taken place with a path forward on addressing the environmental protection regulatory gap on First Nations reserve lands,

including possible improvements to authorities in CEPA that may be used to enhance environmental protection on First Nations reserve lands.

7 Delivering Important Environment and Health Protection Programs

7.1 Hazardous Waste

Part 7 Division 8 of CEPA provides ECCC with the authority to regulate the transboundary movement (imports, exports, transit through Canada and interprovincial/territorial shipments) of hazardous waste and hazardous recyclable material. Through regulations, and permit conditions for international movements made under those regulations, the transboundary movement of hazardous waste and hazardous recyclable material is managed in an environmentally sound manner, protecting the environment and human health. Authorities under Part 7 Division 8 of CEPA allow Canada to implement international agreements that set parameters around the international movement of hazardous waste and hazardous recyclable material.

The Committee recommended that CEPA be amended to "[...] expressly provide the authorities to suspend or revoke permits issued under subsection 185(1), in specified circumstances" **(Recommendation 74).** The Government agrees with the Committee and this recommendation will inform its work to reform CEPA. In the interim, the Government also commits to consider whether this issue could be addressed through regulatory amendments.

The Committee also recommended "[...] that notices and manifests required under the *Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations* should require the provision of information on the presence of CEPA-toxic substances in waste streams, or the quantities or concentrations in which such substances might be present" **(Recommendation 75).**

The Government agrees that information gathering is an important function of the *Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations*. ECCC is reviewing the definition of "hazardous" under the regulations, including its linkage to substances on Schedule 1 of CEPA. Should regulatory changes be warranted, they would be included in a future round of amendments.

Currently, the purpose of information gathering under this regulation is to inform ECCC of whether the waste stream is hazardous (as defined by the regulations). Information concerning the presence of some substances on Schedule 1 is already collected as part of this process, if it is one of the main contaminants in the hazardous waste or hazardous recyclable material.

7.2 Enforcement

CEPA provides ECCC with a suite of tools to enforce and, facilitate compliance with, the Act and regulations. The majority of the enforcement provisions are found in Part 10 of the Act. The Committee made five recommendations specifically related to CEPA's enforcement and some other recommendations that would impact the way the Act is enforced.

7.2.1 *Environmental Violations Administrative Monetary Penalties Act*

The Committee recommended "[...] that the *Environmental Violations and Administrative Monetary Penalties Act* be amended to authorize the refusal or revocation of a permit for unpaid administrative monetary penalties" [*sic*] **(Recommendation 77)**. The Government agrees with the Committee (see Discussion Paper 10.3) and this recommendation will inform its work to reform CEPA.

The Government supports the Committee's recommendation "[...] that the *Environmental Violations and Administrative Monetary Penalties Regulations* be brought into force immediately" [*sic*] **(Recommendation 78)**. The Government is pleased to note that the *Environmental Violations Administrative Monetary Penalties Regulations* (EVAMPR) came into force in June 2017. EVAMPR makes administrative monetary penalties available for violations of certain provisions designated in Parts 7 and 9 of CEPA.

7.2.2 Access to Enforcement Information and Public Participation

The Compliance and Enforcement Policy for CEPA establishes the principles for enforcement of CEPA, and lets other governments and the public know what to expect from ECCC and its enforcement officers. The Committee recommended that ECCC "[...] hold an open and transparent review of the Compliance and Enforcement Policy for CEPA" **(Recommendation 79)**. The Government acknowledges the Committee's concern, but does not intend to seek public comment on the Compliance and Enforcement Policy.

ECCC is updating this document, and anticipates publishing it within a year. The Compliance and Enforcement Policy is an internal guidance document used by enforcement officers. Although it is intended for internal use, it is publicly available for transparency reasons and to increase awareness about how officers conduct their work. The Compliance and Enforcement Policy does not impose obligations on members of the public, and as such is different than regulations which are developed through consultation and with a public comment period.

The Committee also recommended that ECCC "[...] design a new, online, searchable public environmental enforcement database while respecting privacy concerns as required under the law" **(Recommendation 80)**. ECCC has a public environmental enforcement database called the Environmental Offenders Registry. This Registry contains information on convictions of corporations and sentencing obtained under CEPA, as per section 294.2 of the Act and has been in place since 2009. It allows members of the public to search for corporate convictions using the name of the corporation, its home province, the province where the offence occurred, or the legislation under which the conviction was obtained. In addition, any Environmental Protection Alternative Measures agreed upon following the laying of charges are published on the CEPA Environmental Registry.

Work is underway to improve the Environmental Offenders Registry to make it more user-friendly. For example, ECCC intends to make all of the records on the Environmental Offenders Registry accessible and viewable. In order to increase the accessibility of information, content on the Environmental

Offenders Registry will eventually be able to be filtered by several criteria such as the amount of the fine, the date, the location, or industrial sector.

ECCC also submits an annual report to Parliament on the administration and enforcement of CEPA, as required under section 342 of the Act. This report contains specific information on the total number of contraventions under CEPA (divided by regulation), the number and type of enforcement actions taken, and the number of investigations and prosecutions started and concluded in the fiscal year.

7.2.3 Enforcing CEPA

The Committee recommended that ECCC "[...] work with provincial enforcement officials to harmonize environmental testing and sampling requirements" (**Recommendation 81**). The Government acknowledges the challenges faced by regulated entities as a result of duplicative testing and enforcement required under provincial and federal legislation. ECCC will work with provinces towards a more streamlined approach to joint cases.

Environmental Protection Actions (EPAs) enable citizens to participate in the enforcement of CEPA by bringing a suit against a person who is alleged to have committed an offence under the Act if it meets the preconditions outlined in the Act. The Committee made recommendations to change the EPA regime by lowering the barriers to bringing an EPA, introducing rules and procedures to protect individuals who bring an EPA from personally suffering damages, specifying the circumstances in which an EPA may be brought and codifying safeguards against actions that are duplicative of government enforcement actions, frivolous, vexatious or otherwise brought in bad faith (**Recommendations 30-34**).

ECCC acknowledged that lowering the threshold to bringing an EPA might encourage public participation under CEPA (see Discussion Paper 12.1). However, after close analysis of the Committee's recommendations relating to these issues, the Government is of the opinion that the legislative changes recommended by the Committee could fundamentally alter the way CEPA is enforced, changing the balance between civil and governmental enforcement.

For this reason, these recommendations are best addressed as part of a broader review of environmental enforcement.

7.3 Pollution Prevention

CEPA defines pollution prevention as "the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste and reduce the overall risk to the environment or human health."

Pollution prevention planning is a process to examine current operations and develop a plan to eliminate or reduce pollution at the source. A pollution prevention plan is similar to any other business plan. Management and staff need to have a clear understanding of why the plan is being implemented, what will be done and who will do it. Such plans can target a specific pollutant, an entire production process or the whole facility.

A pollution prevention planning notice is a regulatory and enforceable instrument under Part 4 of CEPA that gives the Minister of ECC the authority to require the preparation and implementation of pollution prevention plans. A notice is published as a risk management action for certain toxic substances listed on Schedule 1 of CEPA. The notice stipulates a deadline to prepare and implement pollution prevention plans. It also includes "factors to consider" that specify issues or activities that must be considered during the preparation and implementation of the pollution prevention plan. These include the objective or targets for managing substances and may include sampling/modeling activities, best management practices, pollution prevention methods, and other considerations such as avoiding certain alternatives to the toxic substance listed in the notice. The authorities under Part 4 also require persons subject to the notice to report on the activities within their pollution prevention plan and results achieved.

The Committee recommended that ECCC and HC "[...] address the lack of understanding and persistent misinformation- that pollution prevention planning does not work because it is not a regulation, is not used against the most toxic substances and is not enforceable – which are affecting the use of the Part 4 provisions of CEPA" **(Recommendation 38, sub-bullet 1).** The Government agrees with the Committee and is considering ways to improve the presentation of information on the Pollution Prevention Planning website (https://www.canada.ca/en/environment-climate-change/services/pollution-prevention/planning-notices.html). This website also provides ongoing performance measurement and results reporting for in progress and completed pollution prevention planning notices.

The Committee recommended that ECCC and HC "[...] encourage promotion of the use of Part 4 authorities including by designating a leader for pollution prevention planning in both departments" **(Recommendation 38, sub-bullet 2).** The Government supports the intent of this recommendation, and commits to providing support for the development and implementation of pollution prevention planning notices through ECCC's internal center of expertise for pollution prevention planning notices. This center of expertise has been in place since 2002.

With respect to the Committee's recommendation that CEPA be amended to "[...] provide authority for the Minister of Health to use the Part 4 provisions for those substances that are exclusively toxic to human health [...]" **(Recommendation 38, sub-bullet 3)**, the Government supports the intent of this recommendation, and commits to use Part 4 to address health risks in circumstances where a pollution prevention planning requirement would be the most effective way to manage the risk that is being addressed.

There are currently no obstacles in the Act that would restrict Health Canada from developing pollution prevention planning notices to address risks to human health in collaboration with ECCC. In fact, notices requiring the preparation and implementation of pollution prevention plans have been issued for substances that are exclusively toxic to human health. For example, a Notice targeting the polyurethane and other foam sectors (except polystyrene) was issued. It required the preparation and implementation of pollution prevention plans in respect of toluene diisocyanates (three health toxic substances on Schedule 1 of CEPA).

The Committee recommended that ECCC and HC "[...] make results of pollution prevention planning notices publicly available more quickly than has been the case with some" (**Recommendation 38, sub-bullet 4**). The Government agrees with the Committee and commits to publish the performance results of pollution prevention planning notices in a timely manner. Measuring the overall progress and results achieved by an individual pollution prevention planning notice is important to evaluating the effectiveness of each notice in meeting its intended objectives (https://www.canada.ca/en/environment-climate-change/services/pollution-prevention/planning-notices/performance-results.html).

The Government supports the Committee's recommendation that ECCC and HC "[...] be required to periodically publish a report illustrating the effectiveness of all pollution prevention plans" (**Recommendation 38, sub-bullet 5**). The Government agrees and recently published a report on the effectiveness of completed pollution prevention planning notices in April 2018 (https://www.canada.ca/en/environment-climate-change/services/pollution-prevention/planning-notices/effectiveness-design/overall-effectiveness.html). The ten completed notices included in this analysis and report required 563 facilities to prepare and implement pollution prevention plans to reduce environmental releases of 21 toxic substances. Of the facilities that implemented pollution prevention plans, 92% were successful in achieving the risk management objective. Many of the facilities that did not meet the objectives were still able to achieve considerable reductions. These results have helped contribute to the overall reduction of pollution into the environment. Pollution prevention planning notices can be effective in changing behaviour and achieving results to help protect the environment and human health.

8 Modernization and Streamlining

8.1 Intergovernmental Cooperation

As the protection of the environment is a shared responsibility between the various levels of government, close cooperation among federal, provincial and territorial governments, as well as Aboriginal people and governments is important to Canada's environmental well-being. Intergovernmental cooperation is one of CEPA's guiding principles, and the Act provides a number of tools to support this.

8.1.1 Administrative Agreements

Administrative agreements are working arrangements between the federal government and provincial or territorial governments or an Aboriginal people regarding responsibility for administering CEPA regulations. The agreements usually cover activities such as inspections, enforcement, monitoring and reporting, and do not affect any jurisdiction's legal authorities.

Section 9 of CEPA explicitly authorizes the Minister to enter into an administrative agreement with a government or an Aboriginal people. Section 9 also requires the Minister to publish an administrative agreement before it is entered into, provides that any person may file comments or objections within 60

days, and requires the Minister to publish a report on how any comments or objections were dealt with. The Minister is also required to report on administrative agreements in her annual report to Parliament on the administration of the Act.

The Committee recommended "[...] that Section 9 be amended to strengthen criteria for the establishment of administrative agreements and enhance monitoring and reporting of the performance of entities that enter into such agreements with the Minister" (**Recommendation 7**). The Government supports the intent of this recommendation. The Government will address this recommendation through additional policy and program actions that build on the existing CEPA provisions related to transparency and accountability for administrative agreements, including an annual reporting requirement.

8.1.2 Equivalency Agreements

The equivalency regime, set out in section 10 of the Act, gives the Governor in Council the authority to "stand down" a CEPA regulation – i.e., to declare that the regulation does not apply – in a province, a territory, or an area under the jurisdiction of an Aboriginal government, and the conditions for doing so. The intent of equivalency agreements is to minimize the duplication of environmental regulations where another jurisdiction has a legal rule in place that will achieve the same environmental or health outcome as a CEPA regulation.

Section 10 requires that the jurisdiction in question have enforceable provisions, equivalent to a federal regulation made under subsections 93(1), 200(1) or 209(1) or (2), and provisions similar to sections 17-20 which provide for the investigation of an alleged offence, at the request of a resident of Canada. Section 10 of CEPA requires that an agreement be published for public comment before it is entered into, and requires the Minister to publish a report on how any comments or objections were dealt with. CEPA requires the Minister of ECC to report annually to Parliament on equivalency agreements.

The Committee recommended that section 10 be amended to strengthen the criteria for the establishment of equivalency agreements and to strengthen monitoring and reporting of performance under such agreements (**Recommendation 8**). The Government supports the intent of this recommendation. Currently, equivalency agreements between the Government and a province, territory, or Aboriginal government set out the criteria that must be met to make a determination of equivalency under section 10 of CEPA. The Government will address this intent through additional policy and program actions that build on the existing CEPA provisions respecting the establishment of equivalency agreements.

The Government agrees with the Committee's recommendation that an additional precondition be added, explicitly requiring that another jurisdiction have a similar enforcement and compliance policy (**Recommendation 9**) (see Discussion Paper 11.1) and this recommendation will inform its work to reform CEPA.

8.1.3 Cooperation with Indigenous Governments

Intergovernmental cooperation under CEPA includes Indigenous governments, which CEPA recognizes using the term "Aboriginal government". The definition of "Aboriginal government" entails two criteria: i) the existence of a governing body that is established under an agreement with the Government of Canada; and, ii) environmental law-making authority, which is not further defined.

Indigenous governments must meet the criteria above for only two purposes under CEPA: to be eligible for membership on the CEPA National Advisory Council (CEPA-NAC), and in order to enter into equivalency agreements with the Minister under section 10 of the Act.

The CEPA NAC is an important intergovernmental forum to ensure that all levels of government are informed about proposed actions under CEPA, and for avoiding duplication in regulatory activity among governments in Canada. The NAC includes representatives of Aboriginal governments. In addition to consultations under NAC, ECCC and Finance Canada consult with Indigenous peoples when taking actions under CEPA, including when proposing regulations and when formulating objectives, guidelines and codes of practice. However, CEPA-NAC is not a forum for Indigenous engagement broadly and is not used for this purpose.

The Committee recommended that the Government consult with Indigenous peoples to "[...] revisit and potentially amend the definition of "aboriginal government" in CEPA to better reflect current Indigenous governance structures" (**Recommendation 6**) and that CEPA be amended to "[...] ensure that provisions that set out a requirement for consultation with the provinces and territories also require consultation with Indigenous peoples" (**Recommendation 28**).

The Government is committed to advancing relationships with Indigenous Peoples, including through the development of the Recognition and Implementation of Indigenous Rights Framework with Indigenous Peoples. This multi-year process requires a whole-of-government process and will inform the Government's response to **Recommendations 6 and 28**.

In the meantime, the current definition of "Aboriginal government" can encompass evolving Indigenous governance structures, wherever authorities for environmental protection are recognized. It is also noted that the current requirements under CEPA to consult with CEPA-NAC encompass Aboriginal governments along with provinces and territories, and are limited to issues that require regulatory coordination.

The Committee also recommended that the preamble of CEPA be amended "[...] to recognize the principles put forward in the United Nations Declaration on the Rights of Indigenous Peoples" (**Recommendation 3, sub-bullet 3**). The Government agrees with the Committee and this recommendation will inform its work to reform CEPA.

The Committee also made other recommendations pertaining to Part 9 of CEPA that apply to Indigenous Peoples. These recommendations are addressed in the Chapter 6 of this Report.

8.2 Administration

The Committee made several recommendations pertaining to the administration of the Act that are supported by the Discussion Paper. First, the Government agrees with the Committee's recommendation "[...] that subsection 343(1) of CEPA be amended to require a Parliamentary review every 10 years rather than every five years" **(Recommendation 1)** (see Discussion Paper 12.4). The Government also agrees with the Committee's recommendation that CEPA be amended to "[...] expressly allow the Minister to issue an interim order [...] to be used for any regulation under CEPA, to the extent necessary to maintain alignment with a foreign regulation and subject to notice provisions" **(Recommendation 83)** (see Discussion Paper 8.1), recognizing that, if this authority is included in future amendments to CEPA, it may not be appropriate to use when a foreign jurisdiction takes action that could weaken environmental protection. Finally, the Government agrees with the Committee's recommendation that CEPA be amended to "[...] expand the government's authority to incorporate by reference, subject to public notice and consultation [...]" materials such as guidelines and codes of practice, internally generated technical documents, and documents produced jointly by the Minister of ECC and/or the Minister of Health **(Recommendation 85)** (see Discussion Paper 8.2). These recommendations will inform the Government's work to reform CEPA.

8.3 Miscellaneous

The Committee made three recommendations outside of the scope of topics addressed elsewhere in this chapter. First, the Committee recommended that CEPA be amended to "[...] require the federal government to develop legally binding and enforceable national standards for drinking water in consultation with the provinces, territories, Indigenous peoples, stakeholders and the public" **(Recommendation 37)**.

The Government is supportive of strong drinking water standards nationally, and recognizes the need for continuous improvement. Actions are being undertaken to strengthen the existing approach for the development of Guidelines for Canadian Drinking Water Quality (GCDWQ), including through improved transparency of the program and a more robust priority setting process. The GCDWQ are the basis for drinking water requirements in all Canadian provinces and territories as well as in areas of federal jurisdiction. However, provinces and territories are best placed to develop and implement regulations for drinking water that address their own specific needs and priorities, and to do so using federally developed science.

Health Canada plays a strong leadership role by developing the health risks assessments that form the basis for the GCDWQ for contaminants identified as priorities to safeguard the health of Canadians. The GCDWQ are finalized and endorsed through federal/provincial/territorial government processes, which include representatives from all provincial and territorial departments responsible for the regulation of drinking water, as well as HC.

The Committee recommended "[...] that the government increase funding to ensure effective monitoring and enforcement of CEPA" **(Recommendation 86)**. The Government recognizes the

importance of monitoring and enforcement under CEPA to ensure the protection of the environment and human health and will continue to provide adequate resources to ensure the effectiveness of these measures.

The Committee also recommended "[...] that discrepancies between the English and French versions of CEPA be reconciled" (**Recommendation 87**). The Government agrees with the Committee and this recommendation will inform its work to reform CEPA.

9 Conclusion

The Government would like to thank the Committee for its important report, and to thank also those Canadians who participated in the review process and reached out, through social media, letters to the Government, and other means to voice their support for improvements to CEPA.

The recommendations included in the Committee's report have provided important guidance for the improvement of CEPA and the programs it enables. The Government agrees that legislative amendments are required to address many of the Committee's recommendations and commits to legislative reform as soon as possible in future Parliamentary sessions.

In order to support its commitment to advance reforms to CEPA in future Parliamentary sessions, the Government will convene a multi-stakeholder process to seek further input on reforms, and will use the Committee's recommendations to inform its work to update this important statute. The Government also commits to carrying out engagement with implicated federal departments, partners and stakeholders concerning the regulatory gap on First Nations reserves, environmental rights, and the future of chemicals management. These processes could also inform future statutory reform of CEPA.

As indicated in this report, the Government has already made progress in strengthening environmental protection and human health outcomes as a result of the Committee's recommendations. The Government is committed to continue to improve its approach to the numerous environmental protection programs enabled under CEPA.

ANNEX:

Recommendations of the House of Commons Standing Committee on Environment and Sustainable Development and Location in this Report

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
1	that subsection 343(1) of CEPA be amended to require a Parliamentary review every 10 years rather than every 5 years.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	8.2
2	that CEPA be amended to expand and strengthen duties and rights for transparency, public participation, accountability mechanisms and consultation	The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—through improved implementation of CEPA and programs. In response to the Committee's recommendations, ECCC and HC have already made changes to make it easier for the public to obtain information on chemicals, including through the creation of information sheets and plain language summaries for assessed substances, risk assessment fact sheets, and the publication of risk assessments and risk management actions. Summaries of data collected using information gathering provisions under CEPA are also made available to the public, and raw data is now being made available through the Government Open Data portal. The Government also publishes a Chemicals Management Plan (CMP)[1] Progress Report twice a year to keep stakeholders and other interested parties up to date on the activities and programs related to the CMP. It reports on advances in major initiatives and highlights key activities related to the Government's recent work under the CMP. The Government is also finalizing an approach to increase transparency in risk assessment activities which will require that companies now	5.2

[1] The Chemicals Management Plan (CMP) is a Government of Canada initiative aimed at reducing the risks posed by chemicals to Canadians and their environment. In 2017, the Government launched a broad stakeholder engagement process in order to inform future CMP priorities and to determine what the focus of chemicals management in Canada should be in the post-2020 period (CMP Post-2020 process).

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		provide a rationale for confidential business information (CBI) claims and outline the types information that are generally not expected to be CBI. The approach will also detail a process whereby the Government may disclose certain CBI in specified circumstances. Regarding public participation and consultation, the Government will publish, where appropriate, non-confidential summaries of notifications for higher organisms (e.g., genetically modified plants and animals). The publication of the summary will allow for a public comment period. This recommendation will also inform the Government's work to reform CEPA.	
3 Sub-bullet 1	that the preamble of CEPA be amended: - to recognize a right to a healthy environment;	The Government commits to further study and stakeholder engagement on the implications of this recommendation.	5.1
3 Sub-bullet 2	- to mention the importance of considering vulnerable populations in risk assessments; and	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.4.3
3 Sub-bullet 3	- to recognize the principles put forward in the United Nations Declaration on the Rights of Indigenous Peoples	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	8.1.3
4	that the government consider amending CEPA to include the right to a healthy environment in the administrative duties of the Government of Canada (s. 2), in the development of objectives, guidelines, and codes of practice (ss. 54-55), in the assessment of the risks of toxic substances (s. 76.1), and the development of risk management tools (s. 91).	The Government commits to further study and stakeholder engagement on the implications of this recommendation.	5.1
5	that a series of substantive and procedural improvements be incorporated into the various sections of CEPA to give greater force and effect to environmental rights, including as set out in recommendations 2, 4, 15–34, 36, 37, 39–50, 52, 54, 56–60, 62, 75, 76 and 80.	The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—through improved implementation of CEPA and programs. The Government will begin publishing summaries of completed risk assessments of all chemical substances assessed under the *New*	5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		Substances Notification Regulations that are eligible for addition to the Domestic Substances List. The Government will also work with notifiers to voluntarily publish, where appropriate, non-confidential summaries of notifications for higher organisms (e.g., genetically modified plants and animals), allowing for a public comment period where the public will be invited to alert the departments to relevant scientific information and test data that may inform risk assessment. A summary of comments received will also be published. In some cases, an external peer review process of the scientific risk assessment will be used in order to validate the risk assessments of genetically modified living organisms. The Government also commits to reviewing best practices regarding product labelling, cumulative risk and informed substitution internationally. This recommendation will also inform the Government's work to reform CEPA.	
6	that – in consultation with Indigenous peoples – the government revisit and potentially amend the definition of "aboriginal government" in CEPA to better reflect current Indigenous governance structures.	The Government is committed to advancing relationships with Indigenous Peoples, including through the development of the Recognition and Implementation of Indigenous Rights Framework with Indigenous Peoples. This multi-year process requires a whole-of-government process, and will inform the Government's response to this recommendation.	8.1.3
7	that section 9 of CEPA be amended to strengthen the criteria for the establishment of administrative agreements and enhance monitoring and reporting of the performance of entities that enter into such agreements with the Minister.	Administrative agreements are working arrangements between the federal government and provincial or territorial governments or an Aboriginal people regarding responsibility for administering CEPA regulations. The agreements usually cover activities such as inspections, enforcement, monitoring and reporting, and do not affect any jurisdiction's legal authorities. The Government supports the intent of this	8.1.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		recommendation. The Government will address this recommendation through additional policy and program actions that build on the existing CEPA provisions related to transparency and accountability for administrative agreements, including an annual reporting requirement.	
8	that the provisions of CEPA regarding the criteria required to establish equivalency agreements be strengthened, and that the requirement for monitoring and reporting of performance under any agreements by the affected province and by Environment and Climate Change Canada be strengthened.	The intent of equivalency agreements is to minimize the duplication of environmental regulations where another jurisdiction has a legal rule in place that will achieve the same environmental or health outcome as a CEPA regulation. CEPA requires the Minister of the Environment to report annually to Parliament on equivalency agreements. The Government supports the intent of this recommendation. The Government will address this intent through additional policy and program actions that build on the existing CEPA provisions respecting the establishment of equivalency agreements.	8.1.2
9	that subsection 10(3) of CEPA be amended to add the following third precondition to a declaration of equivalent provisions: that the government of the jurisdiction has in place an enforcement and compliance policy similar to that issued by the Minister providing for effective enforcement and compliance of the provisions described in the two current preconditions.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	8.1.2
10	that CEPA be the principal statute for regulating products containing toxic substances.	The Government agrees that CEPA is the principal statute for regulating toxic substances. While the Government protects health and the environment using numerous laws that govern chemical substances, including those in food, drugs, pesticides and various types of products, CEPA is the foundational legal authority that ensures that all new substances undergo a pre-market assessment of their potential to harm human health or the environment before their entry into the Canadian marketplace. However, to avoid regulatory duplication, CEPA does not apply in circumstances where another federal	3.6.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		law provides for an equivalent pre-market assessment of both health and environmental risks. These acts and regulations are listed in Schedule 2 (new chemicals or polymers) and Schedule 4 (new animate products of biotechnology) of CEPA. CEPA is also the key authority for managing the risks associated with existing substances. However, the Government also has access to risk management tools under other statutes, such as the *Canada Consumer Product Safety Act*, the *Pest Control Products Act* and the *Food and Drugs Act*. When deciding how best to manage a risk that has been identified under a CEPA risk assessment, consideration is given to which Act provides the most appropriate tools and which department has the best expertise to manage the identified risks. The Government explains all risk management decisions and has published a summary list of risk management instruments for substances that are concluded as toxic under s.64 of CEPA.	
11	that CEPA be amended to formally allow the Minister of Health to be the lead in developing and recommending instruments and regulations under CEPA for a toxic substance in circumstances where the risks posed by the toxic substance are health related.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.6.2
12	that CEPA be amended to provide the Ministers with the express authority to request the following information under section 71 for the purpose of assessing whether a substance is toxic or capable of becoming toxic: - other information, such as methodology, data, models used, etc.; - samples of the toxicological tests and/or the other tests; and - any other information relevant to the assessment of a substance.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.3.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
13	that CEPA be amended to allow sections 46 and 71 notices to require that information be updated if it changes and to ensure that there are clear, consistent time frames (e.g., 7 years) for the maintenance and retention of records related t regulations, instruments and information gathering, but also allow these timeframes to be tailored if needed, in specific circumstances.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.3.1
14	that the Ministers seek out relevant and reliable data from other jurisdictions, including data from REACH, so that Canadian assessors may benefit from other efforts deployed to conduct those assessments.	The Government agrees that multiple sources of data are important in the risk assessment process. The Government conducts systematic surveys of information from other jurisdictions both when setting priorities for risk assessments and when conducting individual assessments. It relies on multiple information sharing arrangements, including formal data sharing agreements, consideration of data from other jurisdictions, scans of international activities and datasets, and discussions with multi-national companies, international supply chains and international stakeholders. For example, the Government has entered into a Memorandum of Understanding with the European Chemicals Agency (ECHA) which administers REACH. Under this Memorandum, ECCC and HC rely on data sharing agreements to access confidential data that companies and consortia have provided to ECHA pursuant to REACH. Where key data is not available through other means, CEPA authorizes ECCC and HC to issue notices to require industry to generate the data. The Government commits to continue to seek out and consider information from other jurisdictions, including the EU, when prioritizing, assessing and managing the risks posed by chemicals and living organisms.	3.3.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
15	that, following stakeholder consultations on the implementation of hazard labelling, CEPA be amended to require mandatory hazard labelling of all products containing toxic substances.	The Government recognizes the importance of improving Canadians' access to the information they need to make informed decisions about the products that they use. CEPA includes authorities to require the labelling of products. This authority has been used in various cases, such as the *Products Containing Mercury Regulations*. Labelling requirements also exist under other federal acts that manage chemicals in consumer products (e.g., the *Canada Consumer Product Safety Act*, the *Pest Control Products Act* and the *Food and Drugs Act*). The Government commits to continuing to consider product labelling as part of the suite of available risk management tools. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed. The Government further commits to reviewing best practices regarding product labelling internationally.	5.2
16	that sections 88 and 113 of CEPA be amended to require the disclosure of the explicit chemical or biological names of substances or living organisms when risk management instruments are in place for the substance or living organism.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	5.2
17	that sections 88 and 113 of CEPA be amended so that a masked name may be used for five years, and after that time the government may release the explicit chemical or biological name of a substance or living organism, subject to providing the proponent with an opportunity to demonstrate that the chemical or biological name should remain	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA. In the interim, the Government is finalizing an approach to increase transparency in risk assessment activities which will require that companies now provide a rationale for confidential business information (CBI) claims and outline the types information that are generally not expected to be CBI. The approach	5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	confidential for a longer period of time	will also detail a process whereby the Government may disclose certain CBI in specified circumstances.	
18	that section 313 of CEPA be amended to specify that information provided to the Minister under the Act is presumed to be public and to require persons who submit a request for confidentiality under section 313 to provide the Minister with justification to support the request.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	5.2
19 Sub-bullet 1	that the National Pollutant Release Inventory be improved by: -Removing the exemption for oil and gas exploration and drilling	Emissions from most oil and gas activities are covered by the NPRI. About 3,500 oil and gas facilities currently report under the NPRI each year. Following the Committee's report, ECCC announced an expansion in NPRI reporting requirements, which will result in more oil and gas facilities starting to report for this year. The exemption for exploration and drilling activities has been retained because emissions from these activities are typically too low to meet the NPRI reporting thresholds, and the activities themselves are time-limited, making them difficult to capture through an annual, facility-based reporting program like the NPRI. As part of ongoing program review processes, the Government continues to assess new information on oil and gas exploration and drilling activities to determine if a re-consideration of reporting to the NPRI for these activities is warranted. If so, such changes would be considered using existing NPRI processes and using published decision factors, in consultation with NPRI stakeholders.	5.3
19 Sub-bullet 2	- Including separate NPRI spills reporting requirements in CEPA (amending sections 46 and 201)	The Government supports the intent of this recommendation, and will implement this intent by collecting and reporting separate information on spills through the NPRI.	5.3
19	-Requiring reports on facility	The Government supports the intent of this	5.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
Sub-bullet 3	operational performance on pollution prevention and reduction	recommendation, and has expanded the NPRI reporting requirements as of the 2018 reporting year. Further changes are also being considered for the 2020 reporting year.	
19 Sub-bullet 4	-Including daily, weekly and monthly pollution data;	The Government does not support this recommendation at this time. The purpose of NPRI reporting is to provide information on annual trends in emissions and releases. The NPRI is not intended to capture specific information on releases at a particular moment in time. Reporting requirements under regulations, on the other hand, are often more detailed and require more frequent monitoring and reporting.	5.3
19 Sub-bullet 5	-Considering lowering thresholds for NPRI reporting; and	The Government supports the intent of this recommendation, and will continue to consider changes to NPRI reporting requirements, including reducing the thresholds for substances that must be reported. The program recently set reduced thresholds for a number of substances.	5.3
19 Sub-bullet 6	-Amending CEPA to enable public input to NPRI reports and requiring timely government response	The Government supports the intent of this recommendation and has established a public process for considering changes to the NPRI. This enables public input to program requirements and timely responses to change proposals.	5.3
20	that CEPA be amended to require that all substances known to be persistent and/or bioaccumulative be included in the National Pollutant Release Inventory.	The Government recognizes the concern of the Committee and will assess these substances for addition to the NPRI as part of the public process for considering changes to the NPRI using published decision factors.	5.3
21	that CEPA be amended to require mandatory monitoring of listed toxic substances	The Government recognizes the Committee's concern and supports the intent of this recommendation. Monitoring activities serve an important function in ensuring the ongoing effectiveness and continuous improvement of chemicals management. The Government commits to continue delivering its programs for environmental monitoring and biomonitoring, such as the Canada-Alberta Oil Sands Monitoring Program which provides comprehensive environmental monitoring data and information to improve understanding of the long-term cumulative effects of oil sands development. The two governments have been	3.5.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		actively monitoring water quality, air quality and biodiversity in the Athabasca River basin since 2012. In the spirit of the Committee's recommendation, the two governments signed a memorandum of understanding in 2017 formalizing their shared responsibility to continue a long-term environmental monitoring program in the region, and to include greater Indigenous involvement in establishing monitoring priorities.	
22	that CEPA be amended to define "hot spots."	The Government commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	4.4.2
23	that CEPA be amended to require publication every five years of a comprehensive state of the environment report and that such a report incorporate specific environmental justice reporting on exposure levels in hot spots and assessments of health inequality.	The Canadian Environmental Sustainability Indicators (CESI) program provides data and information to track Canada's performance on key environmental sustainability issues including climate change and air quality, water quality and availability, and protecting nature. CESI is the primary instrument to measure progress of the Federal Sustainable Development Strategy (FSDS) and responds to ECCC's legal obligations under CEPA and the *Department of the Environment Act* to report to Canadians on the state of the environment. While implementation of this recommendation would duplicate many of the actions underway with respect to CESI and the FSDS, the Government commits to consider the Committee's related recommendations on vulnerable populations, cumulative effects and hot spots as part of its stakeholder engagement through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.5.1
24	that the Chemicals Management Plan website be modified to include a system where anyone can submit data, evidence, and arguments for consideration.	The Government supports the intent of this recommendation, and is implementing it through online reporting tools, such as ECCC's Single Window and an e-mail portal which allows stakeholders to provide any data or comments they want the government to consider in risk assessment and risk management activities.	5.2
25	that CEPA be amended to require notice in the Canada Gazette for a 30-day comment period when a	The Government recognizes the Committee's concern, and acknowledges the need to balance the private interest in confidentiality and the	5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	person submits a new substance or living organism notification under subsection 81(1) or subsection 106(1).	public interest in access to information. The Government publishes summaries of the risk assessments of new living organisms, and new chemicals and polymers where a risk management instrument has been imposed on the substance.	
26	that CEPA be amended to establish a more open, inclusive and transparent risk assessment process that better enables public participation in the evaluation of new living modified organisms.	The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—through improved implementation of CEPA. For example, the Government will publish summaries of completed risk assessments of all substances assessed under the *New Substances Notification Regulations* that are eligible for addition to the Domestic Substances List. The Government will also work with notifiers to voluntarily publish non-confidential summaries of notifications for higher organisms (e.g., genetically modified plants and animals), allowing for a public comment period where the public will be invited to alert the departments to relevant scientific information and test data that may inform risk assessment. A summary of comments received will also be published. The Government continues to engage stakeholders on additional program improvements to increase transparency and public engagement as part of the CMP Post-2020 process, including at the May 2018 Multi-Stakeholder Workshop. These recommendations will also inform the Government's work to reform CEPA.	5.2
27	that CEPA be amended such that subsection 54(3) and similar sections of the Act require public consultation and the publication of peer-review comments.	The Government will take actions to strengthen procedural rights under CEPA—such as access to information and public comment periods—through improved implementation of CEPA and programs. Public participation and transparency are important in the development of objectives, guidelines and codes of practice issued under subsection 54(1). However, not all comments	5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		should be publicly attributed.	
28	that CEPA be amended to ensure that provisions that set out a requirement for consultation with the provinces and territories also require consultation with Indigenous peoples.	The CEPA National Advisory Committee (NAC) is an important intergovernmental forum to ensure that all levels of government are informed about proposed actions under CEPA, and for avoiding duplication in regulatory activity among governments in Canada. The NAC includes representatives of Aboriginal governments. In addition to consultations under NAC, ECCC and Finance Canada consult with Indigenous peoples when taking actions under CEPA, including when proposing regulations and when formulating objectives, guidelines and codes of practice. The Government is committed to advancing relationships with Indigenous Peoples, including through the development of the Recognition and Implementation of Indigenous Rights Framework with Indigenous Peoples. This multi-year process requires a whole-of-government process and will inform the Government's response to this recommendation.	8.1.3
29	that CEPA be amended to expand the scope of the Environmental Registry to consolidate all postings and provide notice and comment opportunities for all applications and proposed regulations, policies, guidelines, approvals and permits under federal environmental legislation	The Government does not support this recommendation at this time. The CEPA Environmental Registry publishes documents relating to the administration of CEPA, including: agreements (e.g., administrative agreements, equivalency agreements); CEPA annual reports; the CEPA Compliance and Enforcement Policy; environmental protection alternative measures; fact sheets; codes of practice, guidelines and objectives; memoranda of understanding; notices of objection; plans (e.g. pollution prevention plans); significant new activity notices; and substance lists. The CEPA Environmental Registry also contains a number of notices, orders and permits issued	5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		under CEPA, as well as current, proposed, or repealed CEPA regulations. It can also be used to search all public consultations that are in progress or that have been completed under CEPA. Expanding it to all federal environmental legislation would increase its complexity significantly, and could be duplicative of other resources, such as the Species at Risk Public Registry.	
30	that section 22 of CEPA be amended to lower the threshold for bringing an environmental protection action from an allegation that the offence caused 'significant harm' to that it caused 'harm' to the environment.		
31	that section 22 of CEPA be amended to better enable public participation and accountability in the implementation and enforcement of CEPA by authorizing environmental protection actions, adjudicated as civil proceedings based on the balance of probabilities, in the following circumstances: - The Minister(s) have not undertaken a specific mandatory act or duty under CEPA; or - Any person or government body had violated, is violating or is reasonably likely to violate CEPA, including regulations, orders and other instruments thereunder.	After close analysis of the Committee's recommendations relating to these issues, the Government is of the opinion that the legislative changes recommended by the Committee could fundamentally alter the way CEPA is enforced, changing the balance between civil and governmental enforcement. For this reason, these recommendations are best addressed as part of a broader review of environmental enforcement.	7.2.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
32	that the government consider authorizing mediation, interim orders, and specialized cost rules (whereby costs shall not be assessed against anyone bringing such an action, unless it is determined that the action is frivolous, vexatious or otherwise brought in bad faith) in order to ensure that environmental protection actions will be accessible to the public and so that Canadians may, in limited and appropriate circumstances, play a role in ensuring the application of CEPA without personally suffering damages		
33	that CEPA be amended to include safeguards to ensure environmental protection actions are brought responsibly, including a mandatory 60-day notice of intent to bring a section 22 action, non-duplication of government enforcement actions, and provision for early dismissal of actions that are frivolous, vexatious or otherwise brought in bad faith.		
34	that the request for investigation provision in section 17 of CEPA be maintained, but that CEPA be amended to remove that as a prerequisite to bringing an environmental protection action.		
35	that CEPA be amended to set out the legal framework for the federal government to work with provinces, territories and Indigenous peoples to address instances of inter-provincial air and water pollution.	The Government supports the intent of this recommendation and is committed to taking action to improve Canada's air quality through the Air Quality Management System (AQMS), and other processes for addressing inter-jurisdictional air pollution issues.	4.3
36	that CEPA be amended to require the federal government to develop legally binding and enforceable national standards for air quality in consultation with the provinces, territories, Indigenous	The Government shares the Committee's desire to ensure that air quality continues to improve. The Government is committed to continuing to take action to improve Canada's air quality. The Government is developing air pollutant	4.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	peoples, stakeholders and the public.	emissions standards and corresponding regulations for the refineries industry. These will add to the existing *Multi-Sector Air Pollutants Regulations* that set mandatory national emissions standards to reduce air pollutant emissions from industrial boilers and heaters and stationary engines used by a number of Canadian industries, as well as standards for the cement sector. The Canadian Ambient Air Quality Standards (CAAQS), established under CEPA, drive air quality improvements across the country and are reviewed on a regular basis for their adequacy to protect the environment and human health. The CAAQS are underpinned by management levels, which require progressively more stringent action by provinces and territories as air quality approaches the level of the ambient standard. The AQMS is a comprehensive approach for reducing air pollution in Canada. It is the product of unprecedented collaboration among federal-provincial-territorial governments, industry, and civil society. Federal-provincial-territorial governments have clear roles and responsibilities in the implementation of the system, which enjoys significant support due to its collaborative nature. Mandating federal legally binding and enforceable air quality standards could undermine the effectiveness of this collaborative approach.	
37	that CEPA be amended to require the federal government to develop legally binding and enforceable national standards for drinking water in consultation with the provinces, territories, Indigenous peoples, stakeholders and the public.	The Government is supportive of strong drinking water standards nationally, and recognizes the need for continuous improvement. Actions are being undertaken to strengthen the existing approach for the development of Guidelines for Canadian Drinking Water Quality, including through improved transparency of the program and a more robust priority setting process. The Guidelines are finalized and endorsed through federal-provincial-territorial government processes, which include representatives from all provincial and territorial departments responsible for the	8.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		regulation of drinking water, as well as HC.	
38 Sub-bullet 1	The Committee recommends that: - Environment and Climate Change Canada and Health Canada address the lack of understanding and persistent misinformation – that pollution prevention planning does not work because it is not a regulation, is not used against the most toxic substances and is not enforceable – which are affecting the use of the Part 4 provisions of CEPA;	The Government agrees with the Committee, and is considering ways to improve the presentation of information on the Pollution Prevention Planning website.	7.3
38 Sub-bullet 2	Environment and Climate Change Canada and Health Canada encourage promotion of the use of Part 4 authorities, including by designating a leader for pollution prevention planning in both departments;	The Government supports the intent of this recommendation, and commits to providing support for the development and implementation of pollution prevention planning notices.	7.3
38 Sub-bullet 3	CEPA be amended to provide authority for the Minister of Health to use the Part 4 provisions for those substances that are exclusively toxic to human health	The Government supports the intent of this recommendation, and commits to use Part 4 to address health risks in circumstances where a pollution prevention planning requirement would be the most effective way to manage the risk that is being addressed.	7.3
38 Sub-bullet 4	Environment and Climate Change Canada and Health Canada make results of pollution prevention planning notices publicly available more quickly than has been the case with some; and	The Government agrees with the Committee, and commits to publish the performance results of pollution prevention planning notices in a timely manner. Measuring the overall progress and results achieved by an individual pollution prevention planning notice is important to evaluating the effectiveness of each notice in meeting its intended objectives.	7.3
38 Sub-bullet 5	Environment and Climate Change Canada and Health Canada be required to periodically publish a report illustrating the effectiveness of all pollution prevention plans.	The Government agrees, and recently published a report on the effectiveness of completed pollution prevention planning notices.	7.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
39	The Committee recommends that the government revise the definition of "toxic" to ensure that it addresses endocrine disruptors	The Government supports the intent of this recommendation, and is committed to considering endocrine disruption when it assesses risks from substances. The current definition of "toxic" in s.64 of the Act is sufficiently broad to enable the departments to account for these risks. In addition to managing a substance by adding it to Schedule 1, CEPA provides various authorities for preventing risks from new substances that the Ministers suspect are toxic or capable of becoming toxic. The Minister of ECC has exercised these authorities by placing controls on a number of new substances suspected of endocrine disrupting effects. For example, Ministerial Conditions have been placed on a mixture of phthalates used as a softener for plastics to prohibit its use in toys and child care articles. Significant New Activity (SNAc) notices are also used to allow the activity for which a new substance has been notified but to prevent any additional uses which would, for example, increase exposure. A SNAc has been placed on any new uses of curing agents for silicone sealants for commercial building and road construction due to concerns about endocrine disruption. The Government is working to better communicate how it considers endocrine disrupting effects in risk assessments under CEPA. In the spirit of the Committee's recommendation, ECCC and HC recently published a Fact Sheet explaining how endocrine-related effects are considered in risk assessments. The Government is also updating assessment reports and associated information sheets to highlight when endocrine effects have been considered and how this information informed the assessment. The Government maintains active scientific research programs that have contributed to the development of internationally-recognized test methods for endocrine disruption. This work	3.4.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		contributed to the OECD's March 2018 publication, and routinely informs risk assessments carried out under CEPA. The Government will continue to improve its ability to consider endocrine disrupting effects in its risk assessments. Opportunities to improve the assessment of the endocrine disruption properties of chemicals are being discussed by both the CMP Stakeholder Advisory Council and the CMP Science Committee in 2018.	
40	The Committee recommends that sections 64 and 68 of CEPA be amended to expressly address substances that are dangerous at low-level quantity thresholds.	The Government supports the intent of this recommendation and is committed to considering low-dose impacts. The current definition of "toxic" in s.64 of the Act is sufficiently broad to enable the departments to consider these impacts, as is evidenced by the fact that substances harmful at low levels have already been assessed as "toxic" under s.64, added to Schedule 1 the List of Toxic Substances, and regulated under CEPA. In the assessment of bisphenol A (BPA), for example, data on the impact of low doses on neurodevelopmental and behavioural effects helped support the risk characterization for human health. The Government also commits to continuously improve its ability to assess low-dose effects.	3.4.2
41	The Committee recommends that Part 5 of CEPA be amended to require a reverse-burden approach for a subset of substances that are of very high concern, including carcinogenic, mutagenic, and toxic to reproduction; very persistent and very bioaccumulative; and persistent, bioaccumulative and toxic. Substances in any of these categories should be prohibited unless industry can provide the government with adequate certainty that the substances can be used or emitted safely in specific applications and that	The Government recognizes the Committee's concern, and commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.5.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	there are no feasible substitutes.		
42	The Committee recommends that section 3 of CEPA be amended to include a broad definition of the term "vulnerable populations."	The Government supports the intent of these recommendations, and will consider them as part of its work to reform CEPA. In the interim, it will continue to consider available information on vulnerable populations when conducting risk assessments. For example, the assessment of BPA identified potential for exposures for infants, which then led to risk management actions to prevent that risk. The risk assessment for selenium identified the potential for elevated selenium exposure to certain populations. When information is limited, risk assessors under CEPA apply conservative assumptions to ensure protection of human health, including the health of vulnerable populations. In accordance with precautionary assessment protocols, assessors may apply additional safety factors or make "worst case" assumptions regarding exposure. In the spirit of the Committee's recommendation, ECCC and HC recently published Fact Sheets explaining how precaution is applied and how human biomonitoring data are used in risk assessments The Government is committed to continuously improving the consideration of vulnerable populations in the assessment and management of chemicals. As part of this broad commitment, the Government also commits to develop, engage on, and publish under CEPA a policy on vulnerable populations, which will include a definition of vulnerable populations and the objectives of the program, including the framework for how the Government considers vulnerable populations as part of risk assessments. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.4.3
43	The Committee recommends that CEPA be amended to require that the Ministers or their delegates, when determining if a substance is toxic, assess exposures of vulnerable populations and marginalized communities, including exposures during critical windows of vulnerability, with appropriate use of safety factors and that this section clarify that, for some substances, there may be no safe exposure thresholds.		3.4.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
44	The Committee recommends that Environment and Climate Change Canada and Health Canada implement measures, thresholds, techniques and reporting requirements specifically addressing endocrine disruptors	The Government agrees with the importance of addressing endocrine disrupting substances, and is committed to continuously improving its ability to do so and to keep pace with the latest scientific developments. The Government maintains active scientific research programs that have contributed to the development of internationally-recognized test methods for endocrine disruption. This work contributed to the OECD's March 2018 publication, and routinely informs risk assessments carried out under CEPA. The Government commits to adopt OECD test methods and thresholds in Canada, where possible and as they are developed, for future risk assessments under the CMP. The Government will also continue to use and develop available test methods for addressing endocrine disruptors. The Government is exploring new approach methodologies, including *in vitro* alternative methods to detect endocrine activity at low doses. This type of method will also be useful for characterizing endocrine activity for mixtures of substances at low doses. These emerging approaches will improve priority-setting and risk assessments, and will enable a greater focus on substances with an endocrine mode of action at low doses. The Government will bring this topic to the CMP Stakeholder Advisory Council and the CMP Science Committee for discussion in 2018, and commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.4.2
45	Further to Recommendations 22 and 23, the Committee recommends that Environment and Climate Change Canada undertake, in consultation with the provinces, territories, Indigenous communities and the public, an assessment of potential hot spots or areas of potential	The Government supports the intent of this recommendation and commits to continuously improve biomonitoring in support of protecting vulnerable populations. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will	3.4.3 & 4.4.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	intensified or cumulative emissions of toxins to ensure protection for vulnerable persons.	inform how CEPA is reformed.	
46	The Committee recommends that CEPA be amended in Part 5 by adding a new requirement that the Ministers or their delegates, when determining if a substance is toxic, assess aggregate exposure to and cumulative and synergistic effects of the substance, and that the Ministers use an assessment process that looks at multiple points of exposure of a chemical substance.	The Government supports the intent of this recommendation and will consider it as part of its work to reform CEPA. The Government also commits to reviewing best practices regarding cumulative risk internationally. The Government recognizes the benefit of better assessing the risks from real-life exposures to a range of chemicals and acknowledges the complexity of the issue. ECCC and HC sought advice on cumulative risk assessment from the CMP Science Committee in 2015. They are also co-leading the finalization of an OECD Guidance Document on the considerations for assessment of the risks of combined exposure to multiple chemicals. This Guidance Document will inform risk assessments under CEPA moving forward. In the interim, the Government continues to consider emerging data and novel approaches for consideration in cumulative risk assessment further contributing world leading science and methodologies. It will also continue to carry out cumulative risk assessments for substance groupings where sufficient data and information exists, as was done for the Phthalates Grouping and for several metal moieties. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.4.3
47	The Committee recommends that Environment and Climate Change Canada and Health Canada adopt a life-cycle approach to assessing and managing substances under CEPA.	The Government agrees with the Committee, and is committed to incorporating life-cycle analysis in risk management decision-making. Life-cycle analysis is fundamental in terms of how to consider exposure and risk. It also informs the instrument selection process, by examining where in the life-cycle (during manufacturing or use or after disposal) risk management is best focused.	3.5.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		For example, in the case of mercury, various risk management instruments are in place which target different points in the substance's life-cycle including industrial releases, products, and waste.	
48	The Committee recommends that the government update the outdated *Persistence and Bioaccumulation Regulations* to be consistent with the best available science and standards, including those of other OECD jurisdictions.	The Government agrees and is reviewing the *Persistence and Bioaccumulation Regulations*.	3.4.1
49	The Committee recommends that CEPA be amended to confirm, for greater clarity, that a substance need not be persistent or bioaccumulative to be determined to be toxic under CEPA.	The Government agrees that a substance need not be persistent or bioaccumulative in order to be assessed as toxic and added to Schedule 1. Indeed, many toxic substances that are already on Schedule 1 are not persistent and bioaccumulative. For example, plastic microbeads (≤ 5 mm in size), bisphenol A, nonylphenol and its ethoxylates, and several greenhouse gases are on Schedule 1.	3.4.1
50	The Committee recommends that Part 5 of CEPA be amended to include a mandatory assessment or reassessment of a substance, within a prescribed timeline, when another OECD country has placed new restrictions on it, or when the use of the substance in Canada has significantly expanded since the original assessment was completed, or when new scientific findings respecting the substance's toxicity come to the attention of the Minister.	The Government supports the intent of this recommendation and commits to the full implementation of s.75 of CEPA, which requires the review of decisions of other jurisdictions. The Government will continue to prioritize ongoing risk assessment activity in accordance with its Approach for Identification of Risk Assessment Priorities (IRAP). This Approach requires the systematic compilation and review of information from a large number of information sources. It also helps increase transparency around the process for identifying new priorities. In order to facilitate access to information regarding assessment and reassessment priorities, the Government commits to include the results of the IRAP process in the annual CEPA report to Parliament. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on prioritization through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.4.4

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
51	The Committee recommends that CEPA be amended to require every person who transfers a substance or living organism that is subject to a significant new activity notice and that is on the Domestic Substances List to notify all persons to whom the substance or living organism is transferred of an obligation to comply with the significant new activity notice.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.6.5
52	The Committee recommends that substances be added to the List of Toxic Substances automatically upon a finding of toxicity by the Ministers of Health and Environment and Climate Change.	The Government acknowledges the Committee's concern, but does not support this recommendation at this time. If implemented, this recommendation could result in less transparency and public participation at an important point in Government decision-making than is currently provided. The current Act allows stakeholders to provide comments, issue a notice of objection, or request a board of review regarding these decisions. In some cases, substances are added to Schedule 1 of CEPA through section 90(1) of the Act (i.e., without having undergone a Priority Substances List assessment, a screening assessment, or a review of another jurisdiction's decision) if, on the recommendation of the Ministers, the Governor in Council is satisfied that a substance is toxic under section 64. This provides for an expedited route for addition to Schedule 1 if the circumstances warrant it.	3.6.4
53	The Committee recommends that CEPA be amended to add an explicit authority to remove a substance from the Domestic Substances List when it is not in commerce. Removal should involve a transparent process, with opportunity for public comment.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.6.5
54	The Committee recommends that CEPA be amended to update, improve and prescribe timelines for all actions under CEPA, such as for listing a substance on Schedule 1 after the conclusion of a screening assessment; for	The Government commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.5.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	producing draft measures to address all risks from newly listed substances; and for finalizing those measures.		
55	The Committee recommends that parts 3 and 5 of CEPA be amended to expressly allow information gathering and regulation making to target the design and functioning of products, and to apply to manufacturers, importers or distributors of the products, rather than only to the users of the products.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.4.1
56	The Committee recommends that CEPA be amended to require investigation of the effects of any proposed or final regulation or instrument on vulnerable populations and marginalized communities. Similarly, the Act should also be amended to require investigation of aggregate exposures, and cumulative and synergistic effects, in determining how to regulate a toxic substance.	The Government supports the intent of this recommendation and will consider them as part of its work to reform CEPA. Where assessments identify risks to specific populations, targeted risk management approaches are developed to reduce the risks for that group. For example, the proposed risk management approach for selenium and its compounds includes a focus on activities and exposures of potential concern for certain vulnerable populations. Vulnerable populations will be a focus of a new strategy, which is currently under development, for HC's public outreach program, which is used to educate Canadians on how to protect themselves from harmful chemicals. This will include environmental health guides, partnerships and other activities geared towards reaching parents and caregivers of young children and seniors. Regarding cumulative risk, the Government recognizes the benefit of assessing the risks from real-life exposures to a range of chemicals. Assessing cumulative risks is challenging, however, and is being examined by many governments. ECCC and HC sought advice on cumulative risk assessment from the Science Committee in 2015, and are also co-leading the finalization of an OECD Guidance Document on the considerations for assessment of the risks of	3.4.3

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		combined exposure to multiple chemicals. This Guidance Document will inform risk assessments and risk management under CEPA moving forward. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	
57	The Committee recommends that CEPA be amended to add a mandatory duty to assess alternatives as part of all screening assessments of existing substances.	The Government recognizes the concern of the Committee, and supports the intent of these recommendations. This is an emerging area internationally, and Canada is committed to collaborating with other jurisdictions to ensure that international experience helps inform the Government's emerging approach to alternatives assessment and informed substitution. The Government further commits to reviewing best practices regarding informed substitution internationally. Where possible, ECCC and HC assess substances with similar usage patterns or chemical properties as a group. Recent examples include substituted diphenylamines (SDPA) and flame retardants. When ECCC develops or amends regulations with the intent of restricting or prohibiting toxic substances, the department takes into account the availability of economically and technically feasible chemical and non-chemical alternatives. When no economically and technically feasible alternatives are available, a phase out period to allow industry to find and transition to alternatives may be considered. This Government is also exploring new ways—including consulting with experts and stakeholders—to support informed substitution. ECCC commissioned a study to identify international best practices and options for Canada and commits to publish the results of this work. ECCC and HC also engaged the CMP	3.5.4
58	The Committee recommends that CEPA be amended to add a mandatory substitution test to the regulation of substances under Part 5, to ensure that decisions about how to regulate toxic substances are based in part on information about substitutes, with a goal of replacing toxic substances with safer alternatives.		
59	The Committee recommends that CEPA be amended to ensure that alternative assessments include the following aspects: - consideration of the opportunities, costs and feasibility of adopting and implementing safer alternatives; - clear recommendations for the elimination, or limited use of a toxic substance; - efforts to ensure transparency across the supply chain regarding key information and the process to be used in the development of alternatives assessments; and - review of data on a consistent basis to ensure up-to-date and accurate information.		

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
60	The Committee recommends that CEPA be amended to mandate that the Minister prepare national safer alternatives action plans for substances for which reports on safer alternatives have been prepared.	Stakeholder Advisory Committee in 2017 and the Science Committee in January 2018 on informed substitution. The Government commits to further consider the Committee's recommendations as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	
61	The Committee recommends that Environment and Climate Change Canada revisit the virtual elimination regime and implement a more effective regime.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA. The Government also commits to further consider the Committee's recommendation as part of its stakeholder engagement on this issue through the CMP Post-2020 process, which will inform how CEPA is reformed.	3.5.2
62	The Committee recommends that Health Canada and Environment and Climate Change Canada conduct studies on the effects of electromagnetic radiation on biota, review the adequacy of the current guidelines provided in Safety Code 6 and report their findings back to the Committee.	HC has determined that exposure to radiofrequency electromagnetic energy below the levels in Safety Code 6 is not dangerous to the public and the Government has determined that no further updates to Safety Code 6 are required at this time. ECCC is reviewing the scientific evidence provided to the Committee on the effects of electromagnetic radiation on biota.	3.6.1
63 Sub-bullet 1	The Committee recommends that the CEPA regime for animate products of biotechnology be amended: - to provide clear rules on how and under what circumstances the right to introduce a new substance or organism is transferable;	The Government agrees with the intent of the recommendation, and ECCC is working to making additional guidance available on transfer of substances, products and intellectual property. Existing guidance is described in the Government's March 1996 Advisory Note on new substances. This guidance is being revised to provide clearer direction. Special attention will be paid to the elements highlighted in the Committee's recommendations.	3.6.6
63 Sub-bullet 2	- to provide clear rules on the approval process for new uses by the party introducing the substance or organism and by others they may sell the substance to; and	The Government agrees with the intent of the recommendation, and ECCC is working to develop additional guidance on the assessment and approvals processes to improve clarity in response to this recommendation. Existing guidance is described in the New Substances Guidelines for Organisms. ECCC and	3.6.6

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
		HC are revising this guidance to provide clearer direction. Special attention will be paid to the elements highlighted in the Committee's recommendations.	
63 Sub-bullet 3	- to change the name of Part 6 from Animate Products of Biotechnology to a term more widely used such as Genetically Engineered or Modified Organisms.	The Government acknowledges the Committee's concern, but does not support this particular recommendation at this time. Part 6 applies to both living organisms in their "natural or modified forms". As such, it could be misleading or cause confusion if the title of the Part was changed to "Genetically Engineered or Modified Organisms".	3.6.6
64	The Committee recommends that the Minister of Environment and Climate Change lead a process involving other relevant federal departments and including meaningful public consultation to put in place an effective and transparent regulatory regime for genetically modified organisms.	The Government supports the intent of this recommendation, and ECCC is working with other federal departments and agencies to address these issues through administrative changes.	3.6.6
65	The Committee recommends that CEPA be amended to authorize expressly the making of regulations respecting labelling of fuel dispensers.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.2
66	The Committee recommends that subsection 140(2) of CEPA be amended to provide that regulations may be made if they "contribute to" the prevention of, or reduction in, air pollution.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.2
67	The Committee recommends that Environment and Climate Change Canada work with the Canadian Trucking Alliance to establish testing protocols for greenhouse gas reduction qualifying technology to ensure that such technology and systems are suitable for use in Canada.	ECCC has initiated discussions with the Canadian Trucking Alliance to better understand the Association's concerns related to this issue and to assess whether any action is warranted.	4.1
68	The Committee recommends that Environment and Climate Change Canada consult with the Canadian Trucking Alliance on the degree to which the distance of limp mode should be extended.	ECCC has initiated discussions with the Canadian Trucking Alliance to better understand the Association's concerns in this regard and to assess whether any action is warranted.	4.1
69	The Committee recommends that	The Government agrees with the Committee,	4.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	CEPA be amended to empower Environment and Climate Change Canada to take action against anyone who manufactures, sells or installs equipment that interferes with vehicle emissions controls.	and this recommendation will inform its work to reform CEPA.	
70	The Committee recommends that CEPA be amended to provide authority to regulate the full suite of small marine diesel engines found in Canada.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.1
71	The Committee recommends that future regulations relating to small marine diesel engines contain a grandfather clause to ensure that Indigenous peoples will not be barred from conducting traditional harvest activities.	The Government agrees with the Committee, and if it addresses recommendation 70 as part of its work to reform CEPA and proceeds with the development of such regulations pursuant to that broader authority, it will provide Indigenous organizations and communities an opportunity to provide their views on the specific design elements.	4.1
72	The Committee recommends that CEPA section 155 be amended to clarify options in addition to removing a vehicle, engine, or equipment from Canada, including: - bringing the vehicle, engine or equipment into compliance with the regulations prior to the expiry of the temporary importation period, such that it meets the emissions standards of its prescribed class and the importer has complied with all prescribed reporting and testing requirements; - donating the vehicle, engine or equipment prior to the expiry of the temporary importation period, subject to rules that would be set out in the regulations; and - requesting an extension of the temporary importation period by submitting a request to the Minister justifying the extension (e.g., additional tests needed, close to bringing vehicle, engine, or equipment into compliance	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.1.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	with regulations).		
73	The Committee recommends that CEPA's Notice of Defect provisions be amended to expressly include: - defects in compliance with emissions standards; - label deficiencies; - a requirement for companies to cover the cost of corrections; and - an authority for the Minister to order a company to submit a notice of defect.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	4.1.2
74	The Committee recommends that CEPA be amended to expressly provide the authorities to suspend or revoke permits issued under subsection 185(1), in specified circumstances.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA. In the interim, the Government also commits to consider whether this issue could be addressed through regulatory amendments.	7.1
75	The Committee recommends that notices and manifests required under the *Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations* should require the provision of information on the presence of	ECCC is reviewing the definition of "hazardous" under the regulations, including its linkage to substances on Schedule 1 of CEPA.	7.1

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	CEPA-toxic substances in waste streams, or the quantities or concentrations in which such substances might be present.		
76	The Committee recommends: - that CEPA be amended to provide for a legislated framework and a promulgated regulatory regime on federal lands; - that the government develop specific objectives, guidelines and codes of practice on federal lands excepting aboriginal lands; and - that the federal government initiate consultations with Indigenous peoples on the development of specific objectives, guidelines and codes of practice on aboriginal lands and promulgate a regulatory regime.	The Government commits to further engagement on a whole-of-government approach to addressing the environmental protection regulatory gap on federal lands with a focus First Nations reserve lands. The Government commits to returning to the Committee once engagement has taken place with a path forward on addressing the environmental protection regulatory gap on First Nations reserve lands, including possible improvements to authorities in CEPA that may be used to enhance environmental protection on First Nations reserve lands. The Government recognizes that engagement with Indigenous communities, particularly with First Nations communities, is essential to determining the most appropriate path forward. The Government is committed to working collaboratively with First Nations, on a nation-to nation and recognition of rights basis, to explore options to address the environmental protection regulatory gap on First Nations reserve lands.	6
77	The Committee recommends that the *Environmental Violations and Administrative Monetary Penalties Act* be amended to authorize the refusal or revocation of a permit for unpaid administrative monetary penalties.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	7.2.1
78	The Committee recommends that the *Environmental Violations and Administrative Monetary Penalties Regulations* be brought into force immediately.	The Government is pleased to note that the *Environmental Violations Administrative Monetary Penalties Regulations* (EVAMPR) came into force in June 2017. EVAMPR makes administrative monetary penalties available for violations of certain provisions designated in Parts 7 and 9 of CEPA.	7.2.1
79	The Committee recommends that Environment and Climate Change Canada hold an open and transparent review of the Compliance and Enforcement	The Government acknowledges the Committee's concern, but does not intend to seek public comment on the Compliance and Enforcement Policy.	7.2.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	Policy for CEPA.	ECCC is updating this document, and anticipates publishing it within a year. The Compliance and Enforcement Policy is an internal guidance document used by enforcement officers. Although it is intended for internal use, it is publicly available for transparency reasons and to increase awareness about how officers conduct their work. The Compliance and Enforcement Policy does not impose obligations on members of the public, and as such is different than regulations which are developed through consultation and with a public comment period.	
80	The Committee recommends that Environment and Climate Change Canada design a new, online, searchable, public environmental enforcement database while respecting privacy concerns as required under the law.	Work is underway to improve the Environmental Offenders Registry to make it more user-friendly. For example, ECCC intends to make all of the records on the Environmental Offenders Registry accessible and viewable. In order to increase the accessibility of information, content on the Environmental Offenders Registry will eventually be able to be filtered by several criteria such as the amount of the fine, the date, the location, or industrial sector.	7.2.2
81	The Committee recommends that Environment and Climate Change Canada work with provincial enforcement officials to harmonize environmental testing and sampling requirements	The Government acknowledges the challenges faced by regulated entities as a result of duplicative testing and enforcement required under provincial and federal legislation. ECCC will work with provinces towards a more streamlined approach to joint cases.	7.2.3
82	The Committee recommends that CEPA be amended to expressly provide for the tools necessary to establish and operate a properly functioning auctioning system, such as the authority to sell tradeable units either at a fixed price or by competitive bidding.	The Government agrees with the Committee and this recommendation will inform its work to reform CEPA.	4.4.3
83	The Committee recommends that CEPA be amended to expressly allow the Minister to issue an interim order (similar to that in section 163), to be used for any regulation under CEPA, to the extent necessary to maintain alignment with a foreign regulation and subject to notice	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA. The Government also recognizes that, if this authority is included in future amendments CEPA, it may not be appropriate to use when a foreign jurisdiction takes action that could weaken environmental protection.	8.2

Rec #	Recommendation The Committee recommends...	Approach	More Detail in Report Section
	provisions.		
84	The Committee recommends that CEPA be amended to expressly allow performance agreements between either the Minister of Health or the Minister of Environment and Climate Change and another party, to fulfill the risk management obligation, subject to specific criteria, third party oversight and public notice.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	3.6.3
85	The Committee recommends that CEPA be amended to expand the government's authority to incorporate by reference, subject to public notice and consultation, the following types of materials: - formal instruments made under CEPA, such as guidelines and codes of practice; - internally generated government technical documents that specify: 1) how to quantify prescribed data to be reported, including factors to be used for quantification; and 2) how to conduct prescribed tests, measurements, sampling, monitoring, and analyses; and - documents produced jointly by the Minister of Environment and Climate Change and/or the Minister of Health, with another minister or body in the federal public administration.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	8.2
86	The Committee recommends that the government increase funding to ensure effective monitoring and enforcement of CEPA	The Government recognizes the importance of monitoring and enforcement under CEPA to ensure the protection of the environment and human health and will continue to provide adequate resources to ensure the effectiveness of these measures.	8.3
87	The Committee recommends that discrepancies between the English and French versions of CEPA be reconciled.	The Government agrees with the Committee, and this recommendation will inform its work to reform CEPA.	8.3